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## Public Workers Rushed to Join Pensions Before Albany's Cutbacks Took Effect

### Were the reductions significant? Yes, if judged by a flood of applicants.

By THOMAS KAPLAN  
and KATE TAYLOR

ALBANY — Thousands of public employees across New York State rushed to sign up for pensions over the last several weeks, seeking to lock in generous retirement benefits before cuts approved by the State Legislature took effect on Sunday.

At the New York City Employees' Retirement System, for example, more than 12,000 workers applied last week to enroll in the pension system — more than 40 times the typical weekly number of applicants. And the New York City Board of Education Retirement System received nearly 9,000 applications over the last two weeks, after enrolling only 122 new members in all of February.

"It's just common-sense economics here," said Stephen Madarasz, a spokesman for the Civil Service Employees Association, the state's largest union of public workers. "You're looking at an enormous difference in benefits."

Lawmakers approved the changes last month, requiring most employees who joined the pension system beginning on April 1 to contribute more to their pensions while reducing how much money they are promised when they retire.

Public-employee unions, which had unsuccessfully fought to dissuade the Legislature from reducing pension benefits, campaigned using social media and traditional forms of outreach to persuade workers to sign up before the benefits dropped. The New York State United Teachers asked local union leaders to alert their members.

The Public Employees Federation sent an e-mail alert to thousands of workers and posted on its Facebook page. And District Council 37, the city's largest municipal employees' union, used lunchtime meetings with its members, as well as Facebook, Twitter, public access television and a variety of media appearances to reach its members.

Many city and state workers are automatically enrolled in a pension system, but others, including some with part-time jobs, choose whether to sign up. Some have not done so because partici-

pating in the system requires making a regular employee contribution to the pension fund. "We encouraged them to get in now so that they wouldn't have to work longer, receive less," said Lillian Roberts, the executive director of District Council 37.

But Edmund J. McMahon, senior fellow at the Empire Center for New York State Policy, a conservative research group, suggested that the flood of applications was driven partly by hype and fear, rather than by a rational assessment of what he described as incremental changes to public employee pension plans. The unions, he said, "are talking about it as if it's the difference between having a pension or no pension, which is ridiculous."

New York is among dozens of states that have sought to reduce pension benefits to workers as the economy has

*Continued on Page A25*

slowed the growth of tax revenues and the size of pension-fund assets. State and local governments nationwide say they are struggling to pay retirement benefits promised to employees.

Gov. Andrew M. Cuomo, a Democrat, joined forces with Mayor Michael R. Bloomberg and local government officials from around the state to urge the Legislature to reduce pension benefits, arguing that the existing system had become unaffordable. The reductions do not affect employees who enrolled in the pension plan before Sunday.

The Teachers' Retirement System of the City of New York, for example, saw a spike in applications from workers like teachers' aides, who, unlike teachers, are not automatically enrolled in the system. Matthew Laskowski, a public information officer for the system, said it had received close to 5,000 applications since the pension legislation was passed.

Pension system officials still have to check applications to make sure the employees are eligible, but both sides of the pension issue said the surge in appli-

cations demonstrated that the recent changes to the pension system were significant.

"The numbers speak for themselves in terms of the response," said Mario Cilento, the president of the New York State A.F.L.-C.I.O., which opposed the pension cuts. He said workers across the state recognized, and wanted to avoid, a "drastic reduction of benefits."

The largest surge in pension enrollments came in New York City, because the last time the Legislature reduced pension benefits, in 2009, it largely excluded city employees. That meant that for city workers, the gap between the pension for those who enrolled by Saturday, and those who enrolled Sunday or after, was particularly large.

Final data on pension enrollments were not available on Monday, but officials in the city and in Albany said all signs pointed to a sharp increase.

The city's Board of Education Retirement System kept its office open longer on weekdays and opened the past two Saturdays to accommodate the influx of pension applicants. And the city's Employees' Retirement System also opened on Saturday, a first, said Karen Mazza, the system's general counsel, and accepted faxed applications until 11:59 p.m.

Outside of New York City, 4,075 public employees signed up to join the state pension system from March 1 to March 29, according to the state comptroller's office. That was nearly triple the 1,399 people who registered in March 2011.

The New York State Teachers' Retirement System also saw an uptick; a spokesman estimated that the system recorded more than 1,500 new enrollments last month, compared with 1,035 in March 2011.

A spokesman for Mr. Cuomo's budget office said the spike in pension enrollments would not



have a measurable impact on the state's pension system. The bulk of the projected savings from the pension changes are expected over the long term — \$82 billion over 30 years for the state and local governments, according to the Cuomo administration. But only \$1.2 billion is expected to be saved over the next five years.

Budget experts were divided on whether the deluge of last-minute applications would have much of an impact on New York City's finances.

"No question it's going to take some bite out of projected savings," said Doug Turetsky, the chief of staff for the city's Independent Budget Office. But he said it was too soon to tell what

the ultimate cost would be, because some of those who signed up recently may not end up working for the city long enough to receive a pension.

Carol Kellermann, the president of the Citizens Budget Commission, said she did not expect the rush of applications to have significant budget implications for the city, in part because the affected employees are mostly lower-paid.

"It's school aides — it's not police and firemen or teachers, who have the higher salaries and the bigger pensions," she said.

*Thomas Kaplan reported from Albany, and Kate Taylor from New York.*

OUR OPINION

# Less than 'Transformational'

Watered-down Tier 6 pension plan still burdens local governments

**T**wo years ago, then-Gov. David Paterson announced "landmark pension reform" that was nothing of the sort. Last June, Gov. Andrew Cuomo said his new "Tier 6" pension plan for future state employees "institutes common-sense reforms" that would save taxpayers \$93 billion over the next 30 years and relieve local governments saddled with ballooning pension costs.

In January, Lt. Gov. Robert Duffy appeared with Onondaga County Executive Joanie Mahoney and Syracuse Mayor Stephanie Miner, claiming Tier 6 would save the county "more than \$24 million" over the next five years, with proportionally similar savings for the city.

Earlier this month, Cuomo hailed an agreement with legislative leaders as "bold and transformational pension reform" — even though the 30-year savings had shrunk to "more than \$80 billion," and economists were questioning that number.

In fact, the new pension reform measure is just a shadow of Cuomo's original plan. Onondaga County now stands to save about \$1.4 million next year. Syracuse's savings would be about \$60,000.

Any savings are welcome. But the city's pension costs are

\$30 million a year and growing. The county expects to pay \$43.3 million next year. What happened to "bold and transformational" pension reform?

In a word: politics.

In early March, up to 2,000 state union workers demonstrated against Tier 6 in Albany. The unions are still mad: The Civil Service Employees Association announced last week it was suspending political contributions this year.

Union leaders should be congratulating each other, considering how Tier 6 was watered down:

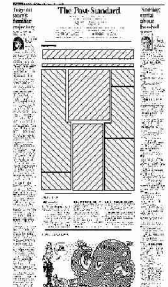
- Back in June, Cuomo proposed raising the retirement age from 62 to 65; the final measure compromises — on 63.

- The original proposal required salary contributions of 6 percent; the final version asks just 3 percent from workers earning \$45,000 or less, 6 percent only for workers earning \$100,000 or more.

- Originally, Tier 6 employees would have been guaranteed pensions after 12 years; the final version vests at the customary 10 years.

- The first plan banned "spiking" — loading on overtime in the final years of em-

ployment used to calculate retirement checks; the end product still allows spiking — capped at 15 percent of salaries for police and firefighters, \$15,000 for the rest.



■ The original plan spread from three to five years the time period used for pension calculations, and capped overall salary growth during that period at 8 percent; the final plan keeps the five-year interval, but raises the salary-increase cap to 10 percent.

Each one of these changes diminishes the savings and increases pension costs to local governments. Each change reflects capitulation to the status quo and political pressure.

In another significant change, Cuomo offered public employees the option of a defined-con-

tribution pension plan like a 401(k) — a model now prevalent in the private sector that reduces employers' exposure to risk. Those keeping a defined-contribution plan would have to contribute more when the pension fund needed it.

The adopted plan limits the 401(k) option to non-union workers earning more than \$75,000, and jettisons the added-contribution provision.

At Tuesday's budget agreement, Cuomo said "we have put our state government back on track." How long, though, before local governments drowning in debt are back in Albany asking for yet another round of "transformational" pension reform?



The Associated Press

**POLITICAL THEATER:** Gov. Andrew Cuomo (*rear center*) presides Tuesday at a Cabinet meeting in the Red Room of the state Capitol in Albany to present details of the new budget agreement.

# Juvenile facilities could face closure

JON CAMPBELL

Albany bureau

ALBANY — An agreement in the new state budget brings detained New York City youths closer to home, putting several upstate facilities — including the one in Rush in Monroe County — at risk of closing.

Backed by Gov. Andrew Cuomo and Mayor Michael Bloomberg, the plan would relocate low-risk New York City children from upstate juvenile detention centers to new programs within the city's borders.

The state would transfer \$76.6 million over the next two fiscal years to help pay for the program, which would be administered by the city.

"For those that are dangerous, they should be in locked facilities with appropriate care," said Elizabeth Glazer, Cuomo's deputy secretary for public safety. "But for those who are lower risk, all of the science shows that if you want to reduce offending, they should be close to home and treated with the appropriate programs."

The "Close To Home Initiative" would only apply to New York City youths being held in the state's seven "non-secure" and five "limited secure" facilities, all but three of which are outside the city. Detainees in the state's four "secure" youth prisons would not be eligible for relocation under the new program and would remain under state custody.

Language in the 2012-13 budget, which lawmakers are passed Friday, would give broad authority to the Cuomo administration to close or consolidate facilities that are no longer needed.

Of the 357 youths held in the limited or non-secure centers at the end of 2010, 204 were from New York City.

Among New York's low-risk youth prisons are state-owned residential centers in Rush; Highland, Ulster County; Red Hook, Dutchess County;

and two in Lansing, Tompkins County.

The budget language does not specify which facilities may close, but lays out criteria for targeting buildings for closure based on capacity and proximity to other centers.

The state's largest public employees union, the Civil Service Employees Association, has taken issue with the Cuomo administration's characterization of the detained youths that would be affected by the new system. Twenty percent of New York City juveniles in non-secure facilities and 33 percent in limited secure buildings have committed violent felonies, according to figures obtained by the union through a Freedom of Information Law request.

The union also objects to the language allowing for the upstate facilities to be closed, which would likely result in layoffs.

"There are real public-safety concerns that need to be addressed here," CSEA President Danny Donohue said in a statement.

"It makes no sense whatsoever to put felons — violent, repeat offenders — back into the very neighborhoods where they got in trouble in the first place, without any evidence that they will be properly supervised."

Senate Majority Leader Dean Skelos, R-Nassau County, acknowledged that there may be some jobs lost upstate as a result of the new system, but said the focus should be on the children. Many

of the 12 affected facilities fall within districts held by Senate Republicans.

"The concern legitimately is about these kids, and we want to make sure that part of their hopeful rehabilitation will be where there is family involved," Skelos told reporters Thursday. "I think it's a good move."

Assembly Children and Families Committee chairwoman Amy Paulin, D-Scarsdale, Westchester County, said there "wouldn't be any change to the security" or supervision of the detainees. It's simply a mechanism to get them closer to home, she said.

"These are young people, and the families should be involved in the rehabilitation," Paulin said. "This will enable us to strengthen the way we treat young people who have gone astray."

Under the plan, the state would be able to transfer custody of the New York City youths in non-secure facilities after Sept. 1. The limited-secure residents could be moved as soon as April 1, 2013.

Glazer said the focus of the program was bringing down the rate of crimes committed by young New Yorkers.

"What this approach does is ensures that we have the right program for the right kid at the right time, and all of those things together will reduce crime," she said.

JCAMPBELL1@Gannett.com



## **BUDGET BILLS OK'D**

The state Legislature adopted a \$132.6 billion budget Friday that limits state spending to a 2 percent increase and raises school aid by \$805 million.

The usually contentious budget battle in Albany was largely collegial this year and ended on time for the second consecutive year — both since Gov. Andrew Cuomo took office in January 2011.

For a look at winners and losers in the state budget, see Sunday's print editions and online at [DemocratandChronicle.com](http://DemocratandChronicle.com).

## Doubt of the benefit

**R**emember that 401(k)-style retirement option the public employee unions hated so much? The one they portrayed as an assault on the middle class? The one they predicted would doom government workers to poverty in old age? The one they succeeded in blocking for their entire membership?

Well – now that Gov. Cuomo's pension overhaul is law – that same benefit is all of a sudden a “perk” and a “really big cash bonus.”

Those who qualify get “an extra 8% of salary each year,” the Civil Service Employees Association screams in a new TV ad. “And in just one year, they can take the money and run.”

**CSEA** wants the audience to think this is some kind of scandal, because the “perk” is available only to nonunion employees who make \$75,000 or more.

What the ad doesn't mention is that Cuomo tried to give that same choice to all workers – on a purely voluntary basis – and CSEA and the other unions turned him down flat.

CSEA President Danny Donohue and fellow labor bosses decided future workers should have defined-benefit pensions or nothing.

Kowtowing lawmakers gave them their wish.

And now they complain that political appointees are getting special treatment?

The hypocrisy is breathtaking.

Union members should watch the ad and know that 401(k)-style retirement accounts can be a sweet deal – especially for employees who spend less than a full career on the public payroll.

They should also know that the ones shafting them out of this nice benefit were none other than their own union leadership.





ELDER CARE

# Staff, residents rally to save health facility

## Officials got a wave of opposition Thursday to closing the Ontario County Health Facility

By **JULIE SHERWOOD**

[jsherwood@messengerpostmedia.com](mailto:jsherwood@messengerpostmedia.com)

CANANDAIGUA — Arlene Dillon has lived at the Ontario County Health Facility in Hopewell for three years, and the 89-year-old says it's home. With a little help from a walker and flanked by facility employees, Dillon rose to the microphone Thursday to plea for the facility's survival.

"I want to stay in my home. I just hope to stay where I am," Dillon urged in a strong voice that rang in the chamber before the Board of Supervisors.

No decisions were planned or made Thursday on the fate of the 98-bed nursing home. But a report unveiled last month by a county-led task force recommended closing the facility and providing community-based services and/or collaborating with other providers to offer long-term care.

The county will lose about \$3.8 million running the Health Facility this year; losses are projected to exceed \$5 million in 2016. One option is partnering with Thompson Health — which, pending a state grant, plans to renovate and expand its long-term care facility, M.M. Ewing Continuing Care Center in Canandaigua. Though county officials have promised a phased-in approach to transferring residents out of the county home, if it comes to that, many who spoke out Thursday pointed to the damage that can occur when elders are forced to move.

Transferred residents have

mortality rates two to four times higher than residents who are allowed to remain in place, said several people who spoke from the crowd that carried signs with messages such as: "Don't split up our family," and "Seniors count too."

The facility employees 120 union workers who are under the Civil Service Employees Association 7850.

A union news release distributed at the meeting accused the county of fast-tracking the plan to shut down the facility, "to blow this deal past the public before members of the community have a chance to object."

Employee Heather Russell, a Finger Lakes Community College student and team leader for the facility's licensed practical nurses, said she wished the county would show the same support for preserving the facility as it does for expansions at the college.

"These residents have paid their dues," she said, adding the county owes it to them to keep open their home. Addressing the supervisors, Russell said: "Ontario County, invest in our history as well as our future."





JULIE SHERWOOD/MESSENGER POST

**Arlene Dillon, a resident of the Ontario County Health Facility, was one of several residents who joined facility staff Thursday in urging the county keep the facility as is.**

## Upstate youth prisons may close under budget plan

By Jon Campbell

Albany Bureau

ALBANY — An agreement in the new state budget would bring detained New York City youths closer to home, putting several upstate facilities at risk of closing.

Backed by Gov. Andrew Cuomo and Mayor Michael Bloomberg, the plan would relocate low-risk New York City children from upstate juvenile detention centers to new programs within the city's borders.

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The union also objects to the language allowing for the upstate facilities to be closed, which would likely result in layoffs.

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ers — back into the very neighborhoods where they got in trouble in the first place, without any evidence that they will be properly supervised."

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Jcampbell1@gannett.com



## Public workers race pension date

Rush to avoid Tier VI drives up enrollment; "perk" debate

By Rick Karlin

ALBANY — The number of public employees joining New York's major pension system this month has just about doubled over the same period in 2011.

That suggests a last-minute rush by employees to secure their spots in the current pension plan before the new and less-generous plan, known as Tier VI, takes effect on Sunday.

According to state Comptroller's records, there were 1,399 pension system registrations during March 2011 — compared to 3,287 as of March 28 this year.

The push comes as public sector unions are reminding members to make sure they are enrolled by Friday. While most public employees are automatically enrolled in their pension plans, it can be optional for part-timers, so the rush may represent a lot of part-time or seasonal workers.

That's not to say the controversy over Tier VI has ended. The state workforce's largest union this week is lambasting Gov. Andrew Cuomo and lawmakers over the defined contribution option being offered as part of the new package.

In a series of ads, the Civil Service Employees Association is characterizing the defined contribution or 401(k)-style plan as a lavish plum for the elites of New York's public sector.

Under the final Tier VI agreement, non-union public employees who earn \$75,000 or more can, starting July 2013, choose a defined-contribution-type plan rather than the traditional defined-benefit pension.

Ironically, CSEA was among the unions that fiercely opposed a defined-contribution option during earlier negotiations.

"It provides no guarantees and puts all the risk on the employee," CSEA President Danny Donohue said of the concept in February.

But this week, CSEA argues the defined-contribution option is a "perk" that lawmakers passed in the dead of night.

Why the change in attitude? The answer

has to do with politics and the nature of retirement plans.

As for the politics: Donohue is running for president of CSEA's parent union, the American Federation of State, County and Municipal Employees, so he may be striking a relatively militant tone on the pension

Please see **TIER A8** ▶

issue.

But just as important, one person's pension plum may be another's pig-in-a-poke: Retirement planning needs can vary widely, depending on individual circumstances.

Most public sector workers have been enrolled in defined-benefit plans. The state pays into a fund and the worker knows what he or she will get as a monthly payment upon retirement, regardless of whether the stock market or other investments have risen or fallen. But the workers must have 10 years before they can qualify.

In the defined-contribution plan, the employee and employer put money in an investment account that follows the owner even if he or she changes jobs. The risk is shifted from the state to the owner of the account. But in addition to its portability, the plan goes into operation faster: After a year, those in the new defined-contribution plan will start accumulating contributions from the state equal to 8 percent of their salaries.

Which is best?

A career civil servant who works for the state for, say, 30 years may be more secure with a traditional -defined benefit plan because he or she knows what they'll be getting upon retirement.

But someone who spends a brief time in the public sector, such as a lawyer or business leader who accepts an appointed position, might prefer the more portable defined



contribution.

For that person, getting an 8 percent contribution toward their retirement from the state after just one year may be better than waiting for 10 years to be vested in the pension system.

CSEA, though, says they are upset that the state will pitch in 8 percent toward those who are not in the union and may be in appointed or senior management positions.

“It ends up being a boondoggle giveaway for political appointees,” CSEA spokesman Stephen Madarasz said.

Not so, according to the Cuomo administration, which points out that even with an 8 percent contribution, the state — and by extension taxpayers — doesn’t shoulder the risk involved in funding a defined-benefit plan.

“The employer no longer assumes the risk,” Budget Division spokesman Morris Peters said.

Adding to the anger were earlier negotiations over Tier VI. When Cuomo first proposed the change, he wanted a 12-year vesting period. That would have made the defined-contribution plan more attractive to many state employees. But in the end, the new Tier VI has a 10-year period, just like Tier V.

There are other angles to the change. A newly elected legislator, or a local mayor or county executive who earns \$75,000 or more, will have to choose between the defined-benefit plan and the defined contribution.

Senate and Assembly members earn a base salary of \$79,500, although many get more for extra duties such as chairing committees.

Newly elected members may be under pressure to choose either the pension or defined-contribution system.

It will be a while before voters know which of their elected officials opt for the new defined contribution plan, since that doesn’t

begin until 2013, and presumably would impact those running in the 2014 rather than the 2012 election cycle.

► [rkarin@timesunion.com](mailto:rkarin@timesunion.com) ■ 518-454-5758 ■ [@RickKarinTU](https://twitter.com/RickKarinTU)

# Health facility fight heats up

Employees urge  
Ontario County  
supervisors to  
keep nursing  
home open

By MIKE HIBBARD

mhibbard@fittimes.com

CANANDAIGUA — Clad in yellow T-shirts and holding up signs, employees of the Ontario County Health Facility last night urged county lawmakers to keep the nursing home open.

Dozens of employees, as well as some nursing home residents, made the request at Thursday's meeting of the county Board of Supervisors. Before the meeting, workers also picketed in front of the county courthouse.

On the picket line and at the meeting, workers held up signs saying "Don't let our residents face relocation stress," "Residents first" and "Care before \$."

They were referring to a potential partnership between the county and Thompson Health Systems that could lead to the closure of the county nursing home, with residents being moved into an expanded facility on the Thompson campus.

Officials from the county Civil Service Employees Association believe residents of the county health facility wouldn't get the same care in another nursing home.

■ See FACILITY on Page 4A

"Our residents receive quality care every minute of every day from a well-trained, professional, caring, consistent staff," said Steve Healy, president of the county CSEA unit. "High staff turnover rates at private facilities jeop-

ardize quality care for the residents. Residents have built strong relationships with staff. They rely on routine. They look forward to seeing the same people every day. They enjoy familiar surroundings and the familiarity of home."

One of the nursing home residents who attended the meeting was 89-year-old Arlene Dillon.

"I want to stay in my home," she said. "I love every part of it and every person there."

With expenditures far outweighing revenues, the health facility on County Road 46 in Hopewell has been losing money for years. The deficit was \$1.8 million last year and about \$3 million in 2010.

County officials said if the nursing home continues operating as is, it will lose close to \$4 million this year and as much as \$5 million by 2016. They added that the facility, built in the mid-1970s, is outdated and needs major capital repairs.

The potential deal with Thompson Health hinges on a state Health Efficiency and Affordability Law grant sought by Thompson.

If the grant is received, Thompson would use the money to build a new

skilled-nursing and Medicaid-assisted living facility, likely as a renovation and expansion to the 188-bed M.M. Ewing Continuing Care Center on the Thompson campus in Canandaigua.

The state is making \$450 million in grant money available this year, with the money to be spent by 2014. The grants were expected to be awarded by the middle of this month, but to date there have been no announcements.

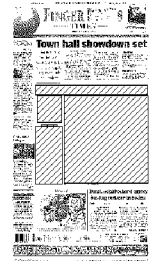
A task force set up to look at the county nursing home said other options include renovating the current home or building a new one at the county's expense. County officials estimated the price tag for a new facility would be around \$30 million.

The county also could sell the facility to a private provider or simply close it.

The nursing home employs about 120 people, many of whom either marched on the picket line or attended the meeting.

County officials have said if the county decides to partner with Thompson, every effort will be made to transition county nursing home employees into the Thompson site.

Employees, however, said the residents would be



hurt most by any move. They said transferred residents have mortality rates two to four times higher than residents who are allowed to stay in place.

They added that relocation stress syndrome causes a resident's health to deteriorate, increases health risks and lowers cognitive and physical functioning.

"Moving the residents from the county complex to a new location puts each and every one of them in jeopardy," Flo Tripi, CSEA Western Region president, said in a press release. "It's a proven fact that when nursing home residents are moved, some will die. This is called relocation stress syndrome and it is a medical fact."

Three workers spoke at last night's meeting. One of them, 17-year employee Heather Russell, said county officials should look out for the elderly population as much as younger people.

"This county supports youth and education through FLCC. Why is it so hard to ask for support

for the health facility?" she said. "I don't care if a resident has lived there 10 days or 10 years. They have paid their dues. How about investing in their future?"

Also at last night's meeting:

• **UNITED WAY** — The board heard from county Treasurer Gary Baxter, chairperson of the United Way campaign for county employees. He was joined by Rhoda Childs, executive director of the United Way of Ontario County, and former Hopewell Supervisor Mary Green, a United Way volunteer.

Baxter said for the first time this year, county employees can make an "e-pledge" through the Internet. This year's campaign kicks off Monday.

Baxter added that even though donations in the county were down last year, county employees gave 18 percent more than the previous year.

Green also asked board members to encourage their town employees to donate.



Mike Hibbard photos / Finger Lakes Times



Numerous employees of the Ontario County Health Facility picketed in front of the county courthouse in Canandaigua Thursday before the Board of Supervisors meeting.

Signs carried by members of the Civil Service Employees Association included phrases like "They're moving fast hoping WE won't notice!"; "Let me stay with my friends at the Ontario County Health Facility" and "Seniors count too!"



# State to let NYC take its juvenile delinquents

**ALBANY** — New York lawmakers are poised to approve Cuomo administration plans for transferring 240 juvenile delinquents in state detention to programs or facilities closer to their New York City homes.

Amendments contained in the budget agreement reached by legislative leaders and the governor for the coming fiscal year authorize state payments to city social services for those teens now in five upstate detention centers that are classified as “limited secure” and seven state facilities classified “non-secure,” including three in New York City.

The measure, which lawmakers will vote on today, authorizes \$35.2 million for reimbursements in 2013 and \$41.4 million the next year.

Another 130 juvenile delinquents from outside the city will stay in state centers, some of which are expected to close. The 253 juveniles who committed more serious or violent crimes and are now held in the state’s four upstate “secure” detention centers will remain there.

New York City Mayor Michael Bloomberg called it a public policy victory.

“We have been pushing to overhaul the state’s juvenile justice system so that our young people can more easily transition back into their communities and productive lives,” he said.

Gov. Andrew Cuomo has echoed concerns raised by Democratic state legislators from the city about sending teens far from their families to upstate youth prisons with high recidivism rates. His

“Close to Home Initiative” is meant to address that.

“The governor’s following 10 years of research and practice that shows what works to reduce re-offending and promote healthy kids and healthy communities,” said Elizabeth Glazer, his deputy secretary for public safety. “That’s to make sure kids have the right programs at the right time, that those who pose a danger are in locked facilities with appropriate services, and those who are not are close to families, schools and communities that can help them become law-abiding citizens.”

Another important provision will require probation officials to use scientifically validated “risk assessment instruments” and provide them to judges who decide where to send youths and will have to explain why they diverge from those findings, Glazer said.

The Civil Service Employees Association, which represents many staff members at the state detention centers, said it will cost the jobs of dedicated and qualified workers. The group also questioned whether it will save money and noted 20 to 30 percent of the juveniles subject to transfer committed violent felonies.

Union President Danny Donohue questioned whether sending them back to the neighborhoods where they got in trouble in the first place without any evidence that they will be properly supervised.

The program applies to youths under 16 designated delinquents by family courts after committing a misdemeanor or felony.

City social services officials will have to submit plans to the state Office of Children and Family Services, which will evaluate availability of education, medical and mental health services, drug treatment and community supervision.

OCFS Commissioner Gladys Carrion has closed 22 state detention centers and group homes since 2007, while pushing community-based alternatives. The state institutions’ population has dropped over the past 12 years from 2,313 to 636, according to OCFS.

Revisions in the budget agreement will hold off changes for “limited secure” facilities until after April 1, 2013, and require additional public hearings on that. Authority for closing state detention centers, subject to 60-day notice, will expire a year later.

—The Associated Press



around new york

# New front in Cuomo's fight with labor unions

week in review

Kyle Hughes  
 NYSNYS News

**ALBANY** – Gov. Andrew Cuomo's fight with labor unions broke new ground this week, with the governor suggesting unions could face investigations for using campaign money to bribe legislators. He made his comments after **CSEA**, the biggest state local government workers union, reacted to last week's passage of Tier VI by suspending political endorsements and donations. Other unions led by the NYSUT teachers union suspended their financial support for Somos, the Latino legislative weekend held every year in Albany.

In an appearance on the Fred Dicker radio show Tuesday, Cuomo said "any union is free to support whoever they want or choose not to support. However, I would – if you are linking political contribution to a specific vote, you may get a call from the attorney general or the district attorney or JCOPE, so – but in terms of general ideological support, that's fine. But as you know there should be no campaign contributions for specific votes."

Asked if he was taking about "quid pro quo, which could be seen as buying a vote," Cuomo replied: "That's exactly right."

Cuomo's comments raised eyebrows because of the common practice

of special interests to funnel cash to legislators and statewide officials they support. One of the carrots held out to state legislators in 2011 before they voted to approve Cuomo's gay marriage legalization bill was the promise of big campaign donations from gay rights supporters across the U.S.

Monday, CSEA President Danny Donohue announced the union "will immediately suspend all state political endorsements and contributions. This unprecedented action is a direct result of the political deal between Gov. Andrew Cuomo and the state legislative leadership, Senate Republicans and Assembly Democrats, trading the future retirement security of working New Yorkers for legislative redistricting lines. This action is necessary to give our union the opportunity to re-evaluate our political relationships and make judgments about the criteria we use in determining who has earned and deserves our support. It is also important to consider how our support is valued.

"CSEA will also use this time to consult with our brother and sister unions and other allied community organizations about how we can collectively address the disrespect and disenfranchisement of working people by our state's elected officials. New Yorkers should understand that lawmakers' actions did not result

from meaningful debate and good judgment – it resulted from political expediency – and it will have harmful consequences to people and communities now and for a long time to come. CSEA will seek better ways to hold elected officials accountable and ensure that the voices of working people will be heard and addressed in New York state."

More fallout from the Tier VI vote came when unions informed the Somos legislative weekend organizers that they were pulling their financial support for the event, which runs through Sunday in Albany.

"Unfortunately, given the disheartening votes taken against the interests of educators and students by the members of the Task Force, I feel it inappropriate for me to participate in this event this year," NYSUT President Richard Ianuzzi wrote. Assemblyman Felix Ortiz, the chairman of the Assembly Puerto Rican/Hispanic Task Force. "Last year, the state Legislature slashed \$1.3 billion in aid for schools and passed a property tax cap that has resulted in increased staff reductions and program cuts in school districts across this state. And, just last week, the state Legislature passed a Tier VI retirement plan that requires greatly increased contributions for future workers while significantly reducing their benefits. In the end,

this plan will result in greatly reduced retirement security for future workers."

Cuomo and New York City Mayor Michael Bloomberg quickly announced they would provide \$72,000 to help cover the costs of the Somos conference.

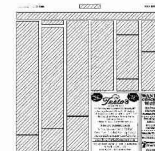
**SPECIAL ELECTIONS:** Special elections were held for a handful of open Senate and Assembly seats this week.

One of the most closely watched races was to replace former Sen. Carl Kruger (D-Brooklyn) who faces prison in a corruption scandal. Republican David Storobin is leading Democrat Lew Fidler with a recount expected.

In another big race, Buffalo City Council member Mickey Kearns, a Democrat running on the Republican line, defeated Chris Fahey, a top aide to Rep. Brian Higgins. Kearns ran a campaign tying Fahey to Assembly Speaker Sheldon Silver, an unpopular figure in western New York.

In the 100th Assembly District that includes parts of Ulster, Dutchess and Orange counties Democrat Frank Skartados defeated Republican John Forman. The seat was held by the late Newburgh Republican Thomas Kirwan.

In the 103rd Assembly District (Dutchess and Columbia counties) Democrat Didi Barrett led Republican Richard Wager, 5,804 to 5,650. Some 1,657 absentee bal-



lots have yet to be counted.

In the 93rd Assembly District (Yonkers) former Senate Democratic counsel Shelley Mayer defeated Republican Donna Nolan to succeed Republican turned Democrat Mike Spano, now mayor of Yonkers.

**REPUBLICANS LINE UP:** Republicans held their state convention, setting up a primary to pick a candidate to run against Sen. Kirsten Gillibrand.

Their June 26 primary will see a face-off between Nassau County

Comptroller George Maragos, Manhattan lawyer Wendy Long, and U.S. Rep. Bob Turner. All got at least 25 percent of the delegate vote at the GOP gathering in Rochester – Maragos, 27 percent; Long, 48; and Turner, 25.

Gillibrand, who was recently named one of the most liberal members of Congress, got her start by running as a conservative Democrat to defeat U.S. Rep. John Sweeney, and quickly switched gears after she was appointed to the Senate to fill out the term of

Sen. Hillary Rodham Clinton.

A February Quinnipiac Poll found Gillibrand with a 47 percent approval rating.

Democrats met in New York City Monday to endorse Gillibrand for her first full six year term in the Senate.

"Senator Gillibrand has proven herself to be a force in the U.S. Senate as an extraordinarily effective fighter for all of New York's families," Chairman Jay Jacobs said.

## Angry at Pension Vote, Unions Plan to Skip Hispanic Event

By THOMAS KAPLAN

ALBANY — It is a tradition of the annual spring conference for Hispanic legislators in the capital: a union-sponsored breakfast where lawmakers rub shoulders with labor leaders, whose endorsements are coveted come election season.

But this Saturday, there will be no breakfast.irate at lawmakers for voting last week to reduce pension benefits for new public workers, several of New York State's most prominent unions are planning to boycott the event, Somos el Futuro, and, in at least one case, to pull donations that help finance it.

The situation over the conference, a must-attend event for many in New York politics, is highlighting the tensions between organized labor and Albany lawmakers that have arisen since the vote. And it has brought backers of the pension measure to rally for the lawmakers who supported it: Gov. Andrew M. Cuomo and Mayor Michael R. Bloomberg pledged on Thursday to bail out the conference.

In a joint statement, they said that together they would donate \$72,000 to the conference to make up for the donations being withheld by unions "angry about the passage of pension reform."

"We think the unions' actions are unfortunate," Mr. Cuomo and Mr. Bloomberg said, "and don't want the conference to suffer as a result."

The conference will cap a somewhat awkward week in Albany as the state's public-employee unions came to grips with

the pension deal, which was passed at Mr. Cuomo's urging on March 15 after an all-night session.

In the sharpest denunciation of lawmakers who supported the measure, New York's largest union of state workers, the Civil Service Employees Association, announced on Monday that it would immediately suspend all state political endorsements, as well as campaign contributions to Albany lawmakers.

The union is also skipping the conference. "There are consequences to what took place here," said Stephen Madarasz, a spokesman for the union.

Both the state and city teachers' unions are also boycotting.

The New York State United Teachers contributed \$24,700 to help support the conference last year, Carl Korn, a spokesman for the union, said. This year, it declined to donate. And on Tuesday, the president of the union, Richard C. Iannuzzi, sent a letter to the chairman of the Somos conference, Assemblyman Félix W. Ortiz, a Brooklyn Democrat. Mr. Iannuzzi expressed frustration with how many members of the New York State Puerto Rican/Hispanic Task Force had supported the pension measure.

"Unfortunately, given the disheartening votes taken against the interests of educators and students by the members of the task force," he wrote, "I feel it inappropriate for me to participate in this event this year."

The United Federation of Teachers is also skipping the conference, where its president, Michael Mulgrew, was to be hon-

ored. Mr. Mulgrew described the pension vote as a "sleazy, middle-of-the-night back-room deal"; he added that his members "wouldn't want to see me a week later standing there with a person who voted for that, accepting an award from them."

"There has to be a sensitivity to that on both sides," Mr. Mulgrew added. "It would really be inappropriate for me to go there and say, 'Oh, everything is fine.'"

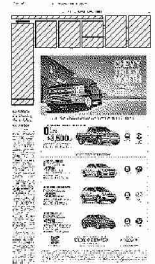
Mr. Ortiz, who voted for the pension bill, issued a statement on Thursday praising Mr. Cuomo and Mr. Bloomberg for their support.

"Although we may not always see eye to eye," Mr. Ortiz said, "the governor and the mayor have shown that they are willing to step up and give a helping hand when politics gets in the way of doing the right thing."

While many labor leaders have made no secret of their deep anger at the vote last week, unions took different approaches in expressing that frustration.

For example, the second-largest major union of state workers, the Public Employees Federation, is participating in the conference this weekend as usual. The union has also avoided taking a hard-line stance on campaign contributions or endorsements.

"There's no question that the pension vote is going to be a significant consideration when we look at candidates," a spokeswoman for the federation, Sherry Halbrook, said. "But it's not going to be a make-it or break-it factor in most cases."



# Unions v. NY Youth

## Blocking vital juvie-justice fix



**RUSSELL SYKES**

**S**OON after he was elected governor 16 months ago, Andrew Cuomo made a point of publicly touring a state juvenile-detention center in the Mohawk Valley, west of Albany. The Tryon boy's detention center no longer had any juvenile residents but was staffed at a taxpayer cost of \$15 million a year.

Cuomo's visit to the empty center sent an important and valuable message — New York can't afford to operate so wastefully. His latest state budget followed up with a solution that is better for taxpayers, for low-risk juvenile offenders and their families and for society as a whole. It would reduce reliance on upstate facilities and house more offenders closer to home, mostly in facilities run by city government.

The governor wants to close or reduce staffing at empty and low-capacity facilities and use the savings to restructure the juvenile-justice system to be more cost-effective and successful. What could make more sense?

Yet the Civil Service Employees Association is out to derail the reform. The state government's largest union is focused on preserving the jobs of its dues-paying members, rather than on promoting a better juvenile-justice system.

That's not a surprise — it's what unions do in their self-interest. More appalling is that the **CSEA's** opposition may be gaining some traction in the Legislature, with certain members reportedly looking to delay or water down the reform.

Sorry: This short-sighted effort to preserve some CSEA jobs would be a disservice to taxpayers and New York's youth alike. Housing juvenile delinquents

closer to home is a proven policy that also means significant savings. Sensible reform should trump special interests.

New York spends \$266,000 a year per inmate at the existing facilities. Yet research clearly shows that the most effective placements are in community-based facilities — whether non-secure group homes or small, limited-secure facilities — located fairly close to the young detainee's community and family.

Simply put, youthful offenders detained closer to home are markedly less likely to become repeat offenders after release. It's better for these citizens and better for society, as well as for taxpayers.

Good ideas have a way of creating unlikely partnerships. Here, the national Right on Crime initiative, coordinated by the conservative-led Texas Public Policy Foundation, is allied with progressive and centrist juvenile-justice reformers such as Citizens' Committee for Children, the Legal Aid Society and the Correctional Association of New York.

Texas, Missouri and other states have moved in the direction suggested by Gov. Cuomo. Will CSEA pressure let Texas be more humane than New York?

Recidivism rates go down for youth housed closer to home for many reasons. Proximity allows for more family visitation and participation in treatment, and for better attitudes on the part of youth themselves. It makes it far easier for local volunteers, employers and educational institutions to develop working relationships with the detainees, and provide mentoring and vocational opportunities.

The approach does not coddle these youths, nor does it jeopardize safety, as some claim. It just works better and costs less.

Unfortunately in the final ugly hours of budget horse-trading, the opposition of a single powerful organization like CSEA can delay good ideas. Politicians are adept at pointing to watered-down results as landmark achievements.

We don't need another round of dysfunctional Albany politics, with union special interests overriding common sense, fiscal prudence and the best interests of at-risk youth.

*Russell Sykes is a senior fellow at the Manhattan Institute's Empire Center for New York State Policy.*



Shannon DeCelle

**A \$15 million-a-year waste: Gov.-elect Cuomo toured the empty Tryon boys' detention facility in 2010 to highlight the need for reform.**





**John McLoughlin**

McLOUGHLIN: TAKE 2

## Still excited by Albany's reforms?

Let me ask you something ...

◆ Whaddya think, are you still gaga over Albany having reformed itself after seeing that all-night session where lawmakers cast some of the most important votes ever in their careers without fully reading the bills, causing even the Senate Democrats to walk out in disgust, a group not especially noted for being turned off by disgusting situations?

◆ Possible lookalikes? Steven Tyler and actress Kyra Sedgwick of "The Closer."

◆ What about that local TV station (thankfully, not mine) that completely blew the Troy voter fraud mistrial proceedings — missed the story altogether — but then sent a "live truck" and a reporter to the courthouse so they could go live at five and six o'clock? Were they scamming their own

viewers into thinking they did cover the event or is this just another example of how low TV "journalism" has, in some cases, sunk?

◆ Could it be that Quintin Cross, the Hudson alderman who is suspected in the break-in at City Hall and the theft of petty cash, might simply be trying to gather the cash to get current on the \$16,000 in restitution owed back in '07 for using city-issued credit cards to scam thousands?

◆ Please, please, please, can we just go one game during March Madness without hearing the following: "They punched their ticket," "from way downtown," or "he buried the 3?"

◆ Can you believe that 56-year-old Thomas McMartin, the Hoosick Falls guy charged with placing a camera in the women's locker room at RPI, when Jessica Layton, anchor-reporter at my place, goes to his door for a comment, he tells her she is "invading my privacy?" Did you hear me, the alleged camera-concealer tells Jessica that SHE is invading HIS privacy ... HIS privacy?

◆ Of all those thousands of folks wearin' the green and singin' the rebel songs over the St. Pat's holiday weekend, how many of them do you think ever have read a book about Ireland, its history and its culture?

◆ Now that New York lawmakers have ceded their legislative powers to the public employee unions — Speaker Silver and others announcing that Gov. Cuomo would have to bargain with the

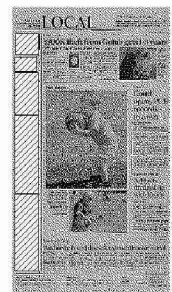
unions, not with the lawmakers, if he hoped to make a deal on Tier VI — will they at least allow us citizen-types to vote to elect the leaders of CSEA, PEF, et. al. and, more importantly, to attend the union picnics every summer?

◆ Someone please tell me, did Christine Quinn, president of the New York City Council, lose more weight in anticipation of running for Bloomberg's job, than did Kirsten Gillibrand (an impressive 55 pounds, one staffer told me) when she ran for Hillary's Senate seat, winding up on a list of Capitol Hill "hotties" composed by a Washington, D.C., publication?

◆ Look, it's not at all surprising that the freakishly warm weather has got a lot of privately owned golf courses opening prematurely, but can you imagine the munis, the publicly owned courses, actually opening this early without Elin putting a nine iron to someone's head?

◆ And before you go castigating that Hudson alderman, you tell me which is worse, making off with petty cash of less than 100 bucks, or the members of the Troy City Council allegedly targeting residents of public housing to steal their absentee ballots because they knew those folks would be too afraid, too scared of losing their apartments, if they made a stink?

*John McLoughlin is a veteran Capital Region journalist, now at NewsChannel 13. Reach him by email at [JMcLoughlin@WNYT.com](mailto:JMcLoughlin@WNYT.com).*



# Shedding light on state pension plan savings



Dan  
Janison

dan.janison@newsday.com

**M**ark it down as a rule of political spin that the most opaque issues can fuel the most transparent hype.

The Cuomo administration and public-employee unions clashed over a cheaper pension plan for new hires. Then lawmakers approved one in a late-night session last week. Now, as their war of words lingers, management and labor share a mutual interest — maximizing in the public mind the impact of this new Tier VI plan, to the point where both sides sound overwrought.

From the way public-employee unions attack it, you'd think the change would send New York to the brink of a Wisconsin-style scuttling of collective bargaining rights. And from the elected officials who pushed and supported it, this reduced plan for future workers draws glowing accolades like "transformational" and "historic" and a blow to "special interests."

The truth, less dramatic, is that new employees, both

union and nonunion, will still receive pensions with defined benefits, local governments will still face massive pension liabilities and the state Constitution will still bar current employees from having benefits cut.

Life will go on more or less as we knew it. But yes, the public does stand to save some money in what budget wonks like to call the out-years, which means the civil-service job gets slightly less remunerative.

In the patchwork of state and municipal retirement plans, we're talking about raising the retirement age from 62 to 63, increasing employee contributions on a progressive scale, and slicing from 200 to 100 the number of sick days and leave days that can be used for retirement service credit, and other such measures.

Ken Adams, Gov. Andrew M. Cuomo's top economic-development official, yesterday visited the Long Island Association office in Melville for a news conference to proclaim that the new pension plan will save Long Islanders more than \$12.8 billion over the next 30 years.

An estimate of how many billions of dollars local governments will still owe, however, was notably unavailable.

Adams stood beside Nassau County Executive Edward

Mangano, Brookhaven Town Supervisor Mark Lesko and Long Island Association chief Kevin Law. "Until last week, the taxpayers were losing, the state workers were winning, in the tension between runaway pension costs in the state," Adams said.

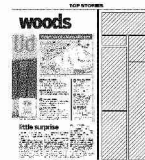
"Really the best thing that's occurring right now," Mangano said, "is you have legislators and government talking about these taboo issues. A few years ago . . . you couldn't touch it, and today, many elected officials are beginning to stand up."

Lesko added: "This is one of those third-rail issues that elected officials, particularly elected executives, tend to shy away from, and I think the governor deserves a tremendous amount of credit for tackling this issue."

But Danny Donohue, president of the Civil Service Employees Association, has denounced Tier VI as a politically "expedient" deal — one from which no good will come. Warning of its "harmful consequences," he announced that the CSEA will "immediately suspend all state political endorsements and contributions." One union wag asked if dues would be reduced.

The pension-hype race has even included teacher unions withdrawing sponsorship of the weekend's Latino legislators' conference in Albany — and Cuomo and New York City Mayor Michael Bloomberg providing \$72,000 from campaign funds to make up for it.

Sculpting gray compromises like Tier VI into black-and-white slogans is what modern message-crafting is all about.



## Their money's worth

**T**he head of the state's largest public employee union has exposed his attitude toward the Legislature: When he buys lawmakers, he expects them to stay bought.

Furious that Gov. Cuomo won passage of pension reforms, Civil Service Employees Association President Danny Donohue announced that his union "will immediately suspend all state political endorsements and contributions" – as a "direct result" of that single vote.

"There's no way we're going to accept business as usual with what they pulled," Donohue told the Daily News.

His union has been generous with Albany, pouring almost a quarter-million dollars into campaign accounts over the past two years. The expectation, of course, was that the Legislature would be commensurately generous in return by favoring union members with pension protections, if not sweeteners, funded by taxpayers.

For as long as anyone can remember, the I-

pay-you, you-pay-me bargain held – until Cuomo called for scaling back benefits for future workers and offering them the option of 401(k)-style retirement savings plan.

At that, the unions pulled out all the stops, demanded obedience from their financial help-mates and forced Cuomo to retreat to the tune of 30 billion taxpayer dollars.

Even at that, the labor leaders were furious and, in their rage, they laid the game bare. In some contexts, connecting money and particular governmental actions is, well, criminal. As Cuomo pointed out:

"If you are linking political contributions to a specific vote, you may get a call from the attorney general, a district attorney or JCOPE" – the state's Joint Commission on Public Ethics.

Rest assured that, sooner or later, the unions will open their wallets again. When they do, the task will be to see which good little boys and girls get allowances.





## STATE FAULTS CARE FOR THE DISABLED 'Needless Risk' Is Cited in New York Report

By **DANNY HAKIM**

ALBANY — Nearly 300,000 disabled and mentally ill New Yorkers face a “needless risk of harm” because of conflicting regulations, a lack of oversight and even disagreements over what constitutes abuse, according to a draft state report obtained by The New York Times.

In 2010, the number of abuse accusations at large institutions overseen by the State Office for People With Developmental Disabilities outnumbered the beds in those facilities — a sign of trouble in buildings where many of the state’s most vulnerable residents are housed, and where the state has repeatedly had trouble with abusive employees and unexplained injuries and deaths among residents, according to the report.

The report was commissioned by Gov. Andrew M. Cuomo in response to a Times investigation last year into problems of abuse, neglect and fraud in state homes and institutions for the developmentally disabled. A draft of the report began circulating in October, but has not yet been released to the public; people frustrated by the delay separately provided to The Times an executive summary and a bound copy drafted in December.

Problems were found at all six state agencies that provide residential service to children and adults with an array of disabilities, mental illnesses or other issues that qualify them to receive specialized care by the state.

According to the report, a regulatory maze has complicated and in some cases constrained the

*Continued on Page A3*

state’s response to claims of abuse. At one agency, the police are summoned if “there is reason to believe that a crime has been

committed,” while another agency does so only if a potential felony has been committed. A third agency turns to law enforcement only if a local district attorney has “indicated a prior interest,” the report said.

The Cuomo administration has expressed concern about issues identified in The Times and addressed by the report. Over the past year, the governor has forced the resignations of the commissioner of the Office for People With Developmental Disabilities and the top official at the State Commission on Quality of Care and Advocacy for Persons With Disabilities, and he has moved to fire 130 employees involved in accusations of serious episodes of abuse or neglect.

The administration has also taken a number of steps to shore up oversight and care of the developmentally disabled, putting in place new rules for drug testing and criminal background checks of staff members who work with the vulnerable.

“The draft report was the subject of a cabinet and press briefing in October, and we are currently working on a transformational reform plan based on the report that will be announced soon,” said Richard Bamberger, the governor’s communications director.

But some advocates and lawmakers have been frustrated with what they see as the slow pace of progress. Michael Carey, an advocate for the developmentally disabled whose son with autism died in state care in 2007, said he was concerned that the governor was waiting to address the issue until after legislative budget negotiations, which could make it more difficult to find money for new programs.

“It’s gross negligence that that report has not come out, and it’s beyond frustrating,” Mr. Carey said, adding, “The reforms to date are baby steps towards monster problems.” And Senator Roy J. McDonald, the chairman of the State Senate’s mental health committee, sent a letter this month to the governor urging him to turn over the report “so that we can begin working towards enacting long overdue pro-

tections and safeguards.”

The Times last year identified numerous problems with the state’s care for the developmentally disabled: only 5 percent of abuse accusations were forwarded to law enforcement, and employees who physically or sexually abused the disabled were often transferred among group homes instead of being fired.

Ten percent of deaths of the developmentally disabled in state care were listed in a state database as having occurring from unknown causes, suggesting widespread failures in efforts to determine why people die in state care.

At the same time, executives at some nonprofit organizations hired by the state to care for the disabled have been earning seven-figure annual compensation packages and taking a wide range of Medicaid-financed perks for themselves and their friends and families.

The state report, a 105-page document called “The Measure of a Society: Protection of Vulnerable Persons in Residential Facilities Against Abuse and Neglect,” critiques the practices at six state agencies that oversee residential programs for vulnerable populations, at an annual cost of \$17.9 billion. The report’s principal author was Clarence Sundram, who was hired by Mr. Cuomo a year ago as a special adviser on vulnerable people. Mr. Sundram had been named by Gov. Hugh L. Carey to lead the Commission on Quality of Care, and he ran the commission for two decades until he left amid a disagreement with the administration of Gov. George E. Pataki.

In his report, Mr. Sundram found inconsistent data about accusations of abuse and neglect at state-run facilities. Some agencies train their investigators; others do not. Evidentiary standards vary. And definitions of abuse or neglect vary depending upon which agency has oversight.

The report found that residential schools run by the Education Department did not track abuse claims, while the State Health Department had “no reliable data” for accusations at its



homes for mentally ill adults. At the large institutions overseen by the Office for People With Developmental Disabilities, the report found 119.68 abuse claims for every 100 beds.

The homes monitored by the Health Department have been a particular concern for a decade, since a series of articles in The Times in 2002 called attention to abuse there. Nonetheless, the report found, the department has few standards for investigating its homes: the agency's regulations "do not directly address an operator's responsibility to investigate incidents or allegations of abuse," the report concluded.

The Office of Children and Family Services also has few standards to determine when and how to investigate abuse accusations at some facilities. And the Education Department does little to oversee its programs for the disabled, which include two residential schools — one for the deaf and one for the blind — with a total of 200 beds, as well as educational programs at nonprofit residential schools serving 2,500 students.

The department does not require schools to have incident-reporting or investigation policies, and does not require abuse and neglect investigations, rely-

ing on the Office of Children and Family Services to conduct child-abuse inquiries.

The Education Department, which reports to the State Board of Regents and not to the governor, said the Sundram report highlighted "the need for system-wide reform"

The department "supports change that would enhance protections for vulnerable children and adults in residential settings across New York State and in out-of-state facilities," said its spokesman, Tom Dunn.

The report recommended several changes to state laws and regulations in an effort to prevent and better respond to abuse of the vulnerable. But it continues to rely to a large extent on self-policing, which could be a point of criticism among advocates.

"These human services systems did not arrive overnight to the point at which they find themselves, nor will they get to a dramatically better level of performance immediately," the report said. "But there is a need to begin the process of reform with a sense of urgency."

One proposed law would require the establishment of a 24-hour hot line to report abuse of adults in state care — the state already has a child-abuse hot line

— as well as the creation of a single entity to review abuse accusations regardless of the agency involved. Another proposed law would bar people with convictions for violent felonies and sex crimes from jobs with state agencies, or with state-contracted nonprofits groups, that provide care for the vulnerable.

Because the current charge often filed against those accused of abuse — endangering the welfare of an incompetent or physically disabled person — is a misdemeanor, the report also proposes creating new offenses with tougher penalties to prosecute such crimes.

During arbitration proceedings against employees accused of abuse, a representative of the abused vulnerable person should also be present, the report suggests. And, the report says, the state should follow through with a promise to establish specific penalties for offenses by abusive employees, a concept that the Civil Service Employees Association agreed to during labor negotiations months ago.

***A report criticizes  
the practices of six  
New York agencies.***



PHOTOGRAPHS BY NATHANIEL BROOKS FOR THE NEW YORK TIMES

Large institutions, like the Sunmount Developmental Center in the Adirondacks, above, that care for developmentally disabled people have the highest number of abuse reports.



The report's principal author was Clarence Sundram. Gov. Andrew M. Cuomo hired him as an adviser on vulnerable people.



## Michael Goodwin

# The 'trough' get going

**J**ILTED! Betrayed! Sold out! Albany hath no fury like union bosses scorned.

There are some very good things to be said and a few qualms to express about the pension reforms Gov. Cuomo muscled through the Legislature, but the most revealing prism is union reaction. Their spitting-mad vitriol means sacred cows have been gored if not slain.

Under the threat of "serious consequences," the president of the Civil Service Employees Association thundered that the union "will immediately suspend all state political endorsements and contributions." Boss Hog Danny Donohue also railed against "the disrespect and disenfranchisement of working people."

Good grief.

Not to be outdone in the outrage department, city and state teachers unions showed their solidarity with greed by pulling out of an annual conference organized by Latino legislators, saying they are "re-evaluating our relationships" with lawmakers.

In the real world, this is the ridiculous hyperbole of spoiled children. In Albany, where unions call the shots, this is genuine shock at a rare defeat.

And all this over changes that will not affect a single existing worker. Only future hires will be covered by the new pension tier of benefits.

With so much ado over so rela-

tively little, the union rants reveal the routine corruption in a political system where every piece of legislation is part of a larger transaction. The outrage that legislators went against union wishes shows it doesn't happen often enough.

That fact also explains why the pension changes, while significant, won't rescue state and local finances. The rot runs deep and more challenges lie ahead.

When the bill passed last week, the first inclination was to wonder whether Democrat Cuomo had settled for less than he might have won if he had fought longer. The law will save taxpayers \$81 billion over 30 years, including \$21 billion in the city.

The governor's initial proposal would have saved \$113 billion, and even that would have left new workers with some of the most generous pension plans in the country. Compromises on retirement age — it increases only a year, to 63 — and on overtime limits shaved off potential savings. So did limiting the 401(k)-style plan to new nonunion employees earning over \$75,000.

The what-if scenario included the fact that Mayor Bloomberg, on behalf of mayors and county executives, was just starting TV ads that might have pressured legislators to buck the unions. If the game had gone a few more innings, Cuomo might have gained more votes and a better package.

The governor doesn't think so.

Both parties are in the pockets of unions, and Cuomo believes he pushed so far that he came close to losing the Democratic-controlled Assembly. He shut down the debate rather than risk defeat.

"The unions were slow to organize, but once they get rolling, they're almost unstoppable," he told me yesterday. "We were on the other side of the curve."

Speaker Sheldon Silver's goal is always to get enough votes to pass legislation among Democrats, then add GOP votes. In this case, he got only 56 Dems and needed 20 Republicans for a bare majority. He got a total of 93, according to a tally.

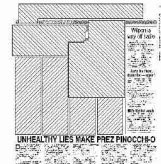
Cuomo said 12 Assembly Dem-

ocrats defected just before the vote.

Keeping with the tradition of horse-trading unrelated items, other factors played a role, especially Cuomo's agreement to accept gerrymandered redistricting lines he had vowed to veto.

Yet the union reaction to the pension changes demonstrates the extent to which they are the most pernicious drivers in the decline of the Empire State. They have gotten away with unchecked power for so long that they feel entitled to control all major legislation.

They didn't get their way this time, but it's not safe to say they are beaten. This was a battle. The war continues.





# Gov warns against pension revenge Union 'buy' laws attack



By ERIK KRISS  
Bureau Chief

ALBANY — Gov. Cuomo yesterday suggested New York's biggest state employee union could be buying votes by freezing campaign contributions to lawmakers who supported a bill cutting pension benefits for future government workers.

"If you are linking political contributions to a specific vote, you may get a call from the attorney general or the district attorney or JCOPE" — the state's new ethics enforcement agency, said Cuomo.

"There should be no campaign contributions for specific votes," Cuomo — a former attorney general who warred with labor unions over his Tier VI pension proposal — added during an appearance on Albany's Talk 1300 AM radio.

Civil Service Employees Association president Danny Donohue said he suspended all political contributions and en-

dorsements on Monday as "a direct result of the political deal between Gov. Andrew Cuomo and the state legislative leadership, Senate Republicans and Assembly Democrats, trading the future retirement security of working New Yorkers for legislative redistricting lines."

Asked if Donohue's move amounted to buying votes — a practice prohibited by state law — Cuomo said, "That's exactly right." **CSEA** didn't sound worried.

"Consistency doesn't seem to be Governor Cuomo's strong suit," said union spokesman Stephen Madarasz.

He noted Cuomo's praise for Mayor Bloomberg, who essentially promised last month to support candidates that backed the governor's pension plan.

Meanwhile, two Republican state senators told union lobbyists this week that they had no choice but to vote for the pen-

sion deal, which the Legislature approved last week.

An attendee at the AFL-CIO's weekly meeting of labor lobbyists said Sens. Martin Golden of Brooklyn and Joseph Robach of Rochester explained their votes by saying "the train was already headed down the tracks and

couldn't be stopped."

Golden and Robach told the umbrella labor group's lobbyists that it was "something they had to do," said the attendee, who spoke on condition of anonymity.

The source said the senators' unspoken implication was they had to provide Senate Majority Dean Skelos (R-LI) with their votes for pension Tier VI in exchange for Cuomo's approval of the Senate's and Assembly's redistricting plan.

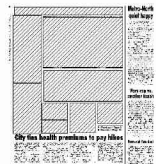
Republicans hold a bare majority of 32 seats in the 62-seat Senate and needed every GOP vote to pass Tier VI.

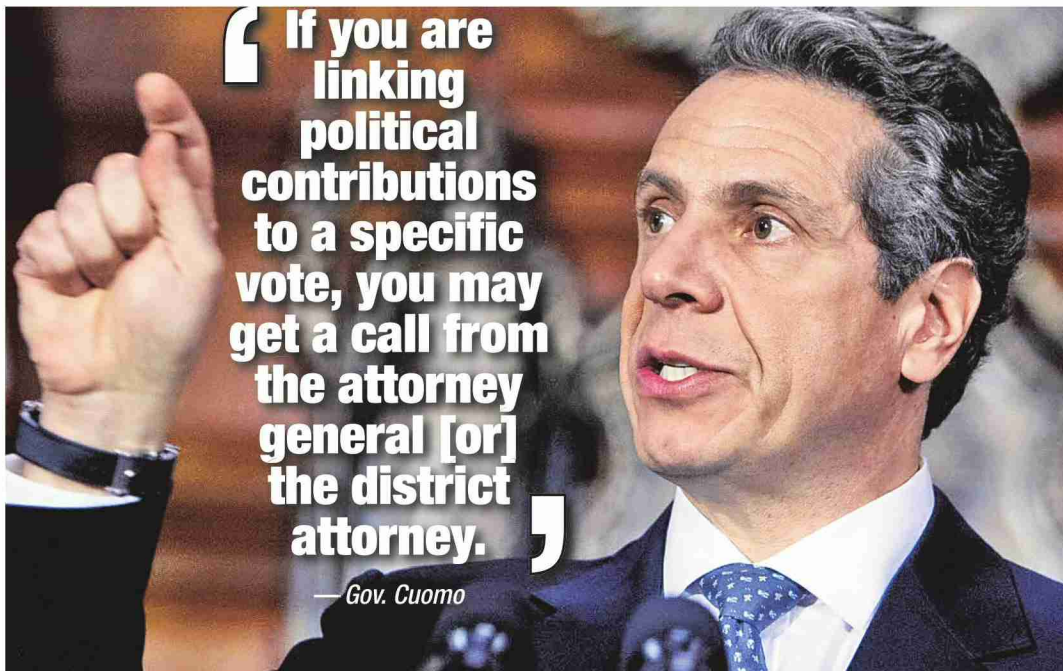
The two senators claimed "they tried their best and got what they could" to soften the final Tier VI deal, the source said.

Cuomo estimates the deal will save \$80 billion over 30 years, but he had proposed a tougher, \$113 billion savings plan.

Neither senator returned calls for comment yesterday. AFL-CIO spokesman Ryan Delgado would not comment, calling the meeting internal.

[ekriss@nypost.com](mailto:ekriss@nypost.com)





# CSEA halts donations, cites state pension flap

By TOM PRECIOUS

NEWS ALBANY BUREAU

ALBANY — One of the state Capitol's biggest political donation machines said it will stop giving to Republicans and Democrats alike after Gov. Andrew M. Cuomo and lawmakers last week pushed through hikes in pension costs for future government employees.

The Civil Service Employees Association, a 265,000-member union that has been instrumental in electing some lawmakers over the years, said Monday it will "suspend" political endorsement and contributions.

"This unprecedented action is a direct result of the political deal between Gov. Andrew M. Cuomo and the state legislative leadership, Senate Republicans and Assembly Democrats, trading the future retirement security of working New Yorkers for legislative redistricting lines," said CSEA President Danny Donohue.

How long the boycott lasts — in an election year for all state lawmakers — is uncertain. Unions have made political threats before and later caved, and there are still a few months left in the 2012 legislative session for lawmakers to try to get back into the CSEA's money column.

Besides money — lots of it — that the CSEA gives state lawmakers, it also has one of the best political field operations to

provide foot soldiers to help candidates pass out literature and get people to the polls, as well as a large, computerized phone bank operation for polling and get-out-the-vote efforts.

"This action is necessary to give our union the opportunity to re-evaluate our political relationships and make judgments about the criteria we use in determining who has earned and deserves our support. It is also important to consider how our support is valued," Donohue said.

A limited review of state Board of Elections records depicts the size of the CSEA's dollar flow. When factoring in just single contributions above \$20,000, the union has given at least \$407,000 to the Democratic Assembly Campaign Committee the past four years and another \$256,000 to the Senate GOP main campaign account, along with \$209,000 to the state Democratic Party. That money does not include hundreds of thousands of dollars in donations to individual lawmakers.

"I have no reaction to that," Assembly Speaker Sheldon Silver, D-Manhattan, of the CSEA cutting off the donation flow. He added, "Support should not come as a result of a vote yes or a vote no on any particular bill."

*email: tprecious@buffnews.com*





## Union stops political cash

ALBANY (AP) — A traditionally powerful public employees union is cutting off its political support following last weeks' agreement to create a new, less lucrative pension for future state and local government workers.

The Civil Service Employees Association said Monday it will suspend its campaign contributions and political endorsements as it seeks to re-evaluate its political relationships and consult with other unions.

The deal is expected to save state and local taxpayers \$80 billion over 30 years and avoid possible insolvency for some local governments.

The CSEA has long been a major force in state politics and has been close to the Assembly Democratic and Senate Republican majorities.

CSEA President Danny Donohue says the Legislature struck the deal with Gov. Andrew Cuomo out of political expediency rather than sound policy.



## Union suspends campaign contributions

BY TED PHILLIPS  
ted.phillips@newsday.com

ALBANY — Angered by last week's vote to reduce pensions for future workers, the largest state employees union said yesterday that it was suspending campaign contributions and candidate endorsements.

"This action is necessary to give our union the opportunity to re-evaluate our political relationships and make judgments about the criteria we use in determining who has earned and deserves our support," Civil Service Employees Association president Danny Donohue said in a statement. "It is also important to consider how our support is valued."

The move by the union, which represents about 66,000 members, was a direct result of the deal between Gov. Andrew M. Cuomo and legislators to create a less generous pension plan called Tier VI for future employ-

ees, Donohue said.

What impact the suspension will have — and how long it will last — remains to be seen. CSEA spokesman Stephen Madarasz said the suspension was "indefinite" but that the union would still be part of the political process.

CSEA gave about \$130,000 to candidates in 2011, according to Bill Mahoney, legislative operations and research coordinator of the watchdog organization New York Public Interest Research Group. That made it the 39th largest donor in the state. However, the different public employee unions together played a larger role, contributing \$21 million in the 2010 election cycle — or 8.5 percent of giving.

"By themselves I wouldn't say the CSEA completely changes the way things work, but if it serves as an omen, it might significantly change how 2012 elections look," Mahoney said.

Representatives from two

other large unions said that legislators' vote on Tier VI would be considered when they make endorsements but that they weren't joining in a suspension.

"If . . . [political candidates] have received our support in the past, this is going to make it harder for them to get that support in the future, but it won't necessarily make it impossible," said Sherry Halbrook, spokeswoman for the 56,000-member Public Employees Federation.

Carl Korn, a spokesman for 600,000-member New York State United Teachers, similarly said the union would look at a range of issues, including Tier VI, when deciding whom to support in the fall.

Other observers said that if unions withdraw from the election cycle, they risk losing their influence. "It's a double-edged sword," said Democratic political consultant George Arzt.



# Complex deal eyed for sewers

■ Nassau to select private vendor to run system  
Officials: \$865M possible for debt-ridden county

BY ROBERT BRODSKY  
robert.brodsky@newsday.com

Nassau County is poised to pick a private operator for its sprawling sewer system in a nearly \$1 billion deal that would represent the largest and most complex financial transaction in county history.

The public-private partnership calls for Nassau, which began the year with a \$310 million deficit, to hire a vendor to manage and maintain its three major wastewater treatment plants, 53 sewage pumping stations and roughly 3,000 miles of sewers. The system serves about 1 million customers.

The deal could generate \$400 million in revenue for Nassau, budget documents show. The county also would receive \$465 million to retire system debt.

Nassau will maintain ownership of the system and the contract will stipulate that the county will continue to set usage rates, Deputy County Executive Rob Walker said.

He said Nassau will not raise rates, though he did not indicate how long the guarantee will hold. "If the switch happened overnight, you wouldn't know anything had changed," he said.

But the county has disclosed only basic details about how it expects to get its revenues from the deal.

## Bidding for investor

The Mangano administration says that after a separate bidding process, the county will select a private investor who will provide the county with the funds. The investor will then be repaid by the private operator. The operator, meanwhile, makes its profit through operating efficiencies that it institutes.

Walker said it was too early to discuss the financing in any more detail, but that officials are confident an investor will be found. Otherwise, there will be no deal.

Some lawmakers and civic activists also have expressed concern that the deal will lead to less government oversight of the treatment system and possible environmental problems. They question the wisdom of relinquishing control of one of the county's most vital assets for a one-shot budget fix. They also complain that they have not received enough details about the changeover.

"We should not be the incubator for privatizing a public necessity," said Nassau Legis. David Denenberg (D-Merrick), who also is skeptical of the county's promises not to raise sewer rates.

## Hearings planned

Legis. Denise Ford (R-Long Beach) plans to hold hearings on the deal in May, but is not

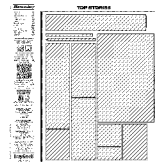
convinced change is needed. "I am not a fan of the idea," said Ford, chairwoman of the Economic & Community Development and Labor Committee. "Once we hand the keys away, we may not be able to go back."

"We feel left in the dark," said Claudia Borecky, president of the North and Central Merrick Civic Association. The group belongs to the Nassau County Coalition of Civic Associations, which was formed to fight the sewer system changeover. "We are looking to find out answers."

County officials said last year that they planned to sell or lease the sewage system to a private operator that would charge customers a fee for service. But Walker said that idea is no longer under consideration. Currently, the average county homeowner pays \$225 a year in sewer taxes, officials said.

Within 30 to 60 days, Nassau will choose from among three bidders: United Water of Harrington Park, N.J., which operates two of Indianapolis' wastewater treatment plants; Veolia Environment of Paris, a subsidiary of the firm running Nassau's bus system; and Severn Trent Services of Fort Washington, Pa., which has managed the Glen Cove Water Pollution Control Plant since 1992.

**Transfer likely in 2013**



A transfer of control of the treatment system, including at Glen Cove, Bay Park Sewage Treatment Plant and Cedar Creek Water Pollution Control Plant in Wantagh, is not expected until at least January 2013, Walker said.

Severn Trent spokesman Eric Risch said public-private partnerships are "fairly seamless" and residents rarely notice a difference. The operator, he said, gains a profit through bulk purchasing, cutting energy costs, shutting down obsolete equipment and other operating improvements.

Veolia spokesman Matt Demo said the company's proposal "aims to improve the environmental performance of the utility, and provides options for better performance, improved maintenance of the county's infrastructure assets."

United Water didn't respond to requests for comment.

The deal still must clear the legislature and the Nassau Interim Finance Authority, a state monitoring agency that controls the county's finances.

### Nearing bankruptcy

Walker calls the changeover necessary because the county's Sewer and Storm Water Finance Authority will go broke in 2014.

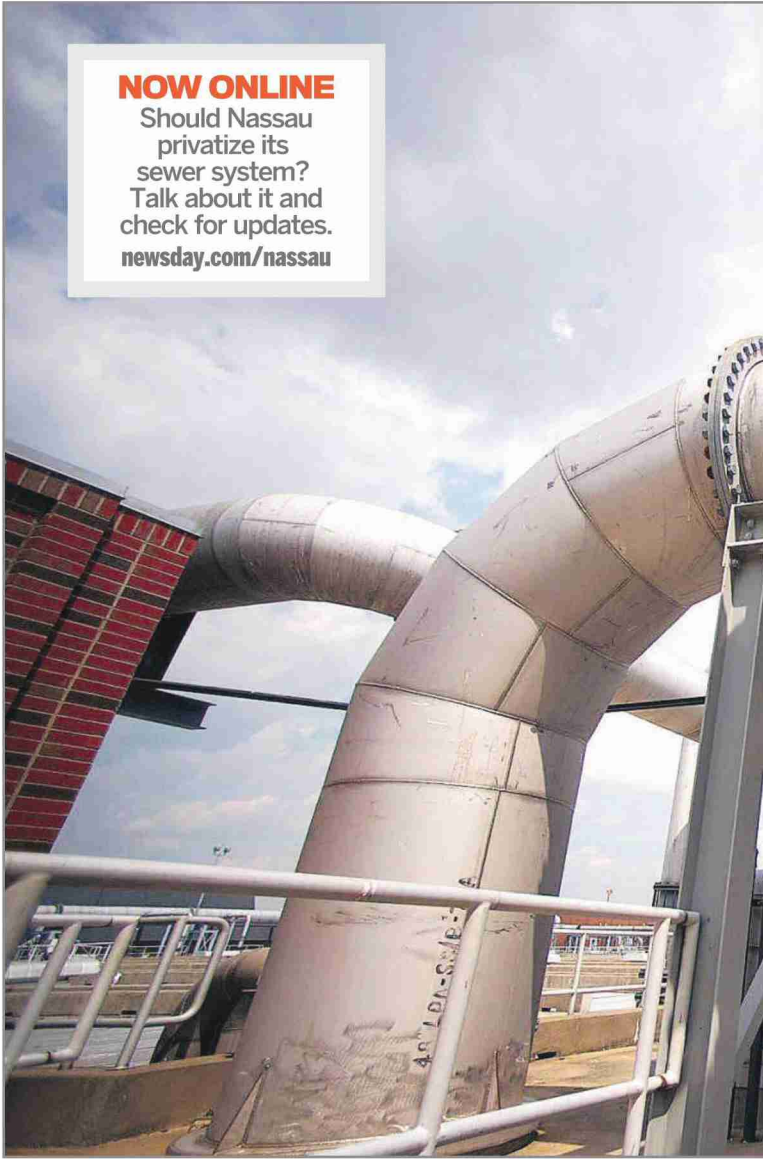
"I inherited a bankrupt sewer district with facilities that were severely neglected for a decade," County Executive Edward Mangano said during last week's State of the County address. Former Democratic County Executive Thomas Suozzi, who was in office from 2002 through 2009, declined to comment.

Denenberg said Mangano has been slow to make needed plant improvements, including those for odor abatement and ammonia removal.

In 2007, the legislature authorized \$700 million in capital improvements for the plants but only about half the money has been borrowed and spent, budget documents show. The county will finish repairs already under way but the new operator would need to complete the work, Walker said.

The roughly 260 county employees working at the plants will be offered jobs by a private operator, Walker said. But Jerry Laricchiuta, president of the Civil Service Employees Association, which represents plant workers, wants county workers to have the option of also transitioning to other public sector positions.

"This is not a simple agreement," Laricchiuta said. "It's one of the most important parts of our infrastructure."



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Should Nassau  
privatize its  
sewer system?  
Talk about it and  
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The Cedar Creek Water Pollution Control Plant in Wantagh is



PHOTO BY DANIEL GOODRICH, 2010

one of three that would be taken over by a private operator under a new county plan.

## Naked ambition

Which was the most fevered lunge for self-promotion by a power player? Vote at [newsday.com/spincycle](http://newsday.com/spincycle).

**1. Rep. Robert Turner** (R-Rockaway Point) running for U.S. Senate after six months in office.

**2. CSEA president Danny Donohue** saying lawmakers had a new pension tier "shoved down their throats."

**3. Pennsylvania Gov. Tom Corbett** calling for a requirement that women seeking an abortion first hear the fetal heartbeat.

**Last week's "winner"** GOP House candidate **Sam Wurzelbacher** criticizing both major parties.



# Bedford school plan cuts 57 jobs

## 8.5% tax rate hike is proposed

**By Rob Ryser**  
rryser@lohud.com

**BEDFORD** — It will take 57 layoffs to balance next year's public school budget as well as an 8.5 percent tax rate increase for town residents, according to a proposed spending plan for 2012-2013.

The Bedford school district's proposed \$122 million budget for next year calls for selling its bus fleet and firing 37 full-time transportation workers — most of them bus drivers — as well as laying off another 20 classroom employees, most of them teachers and aides.

The plan to disband the district's in-house busing operation and outsource all the routes to a new company would save more than \$600,000 next year, said Mark Betz, the school district's assistant superintendent for business. Over five years, the total savings would be about \$4.7 million.

Although transportation outsourcing is not new, it is something other districts are considering. Mamaroneck has proposed to save \$700,000 next year by fully outsourcing bus routes and scaling back service to

private-school students, for example.

Currently, Bedford covers 33 percent of school bus routes itself with a fleet of mini buses. Under the outsourcing plan, all employees except a supervisor and two dispatchers would lose their jobs.

"Any layoff is catastrophic," said Mary Lou Cavaliere, president of the **CSEA** union that represents the transportation workers. "We are hoping that the new bus company will offer employment to our drivers."

School district officials say they are caught between cuts they don't want to make and costs they don't want to pass along. They have proposed a budget that represents a 2.7 percent increase over the current spending plan to cover increases in salaries and in the state-run pension systems.

The \$2.5 million in total cuts would mean reductions in the tax rate for property owners in Mount Kisco, Pound Ridge, New Castle and North Castle, but the tax rate for people who pay school taxes in Bedford would jump 8.5 percent because of higher property values.

"As a homeowner in Bedford I am outraged," says Wolfgang Armbruster, a retired Wall Street exec. "Bedford is by and large an affluent place, but there is a big subset of people who cannot absorb that kind of an increase."

Two public work sessions are planned between now and April 18, when the Board of Education plans to adopt the budget.

Under the proposed plan, Bedford's tax rate per \$1,000 of assessed property value would be \$132.03, or 8.5 percent more. A home in Bedford assessed at the town average of \$65,000 would pay \$8,582 next year, or \$671 more.

In Mount Kisco, the tax rate per \$1,000 of assessed property value would decrease by less than one percent to 68.82. In Pound Ridge, the tax rate would also decrease slightly to \$77.81 per \$1,000 of assessed property value.

In New Castle, the tax rate would fall by more than 3 percent to \$65.39, and in North Castle, the rate would also decrease 3 percent to \$570.02 per \$1,000 of assessed property value.





## Donohue Begins Run To Head AFSCME By Urging Big Pay Cuts

By DAVID SIMS

Civil Service Employees Association President Danny Donohue March 9 formally announced his campaign for the presidency of the American Federation of State, County and Municipal Employees, setting up a bruising rematch with AFSCME Secretary-Treasurer Lee Saunders, who narrowly won that office against him in 2010.

Mr. Donohue named District Council 36 President Alice Goff as his running-mate; she is also the head of All City Employees Association Local 3090, which represents 5,000 clerical employees in Los Angeles.

### Proposes Big Officer Pay Cuts

Concurrently, Mr. Donohue submitted four amendments to the AFSCME international constitution, seeking to change election rules in advance of the June ballot to ensure that only people attending the AFSCME convention can vote.

He's also seeking to reduce the salary for International President from \$390,000 a year to \$295,000, arguing that with the retirement of current president Gerald McEntee, "whoever succeeds him will have 30 years' less seniority in that position." The secretary-treasurer salary would also be cut, from \$310,000 to \$250,750.

"I asked Alice to be my partner because I believe she brings a lot to the table. She's a rank-and-filer like myself," Mr. Donohue said in a phone interview. "She has been a member of the board of directors of AFSCME. She's a clear voice and she cares about the members. She understands that the union has got to change, and it's really necessary to listen to the members."

He said that his proposed amendments had been prompted by the controversial method of voting witnessed at the 2010 AFSCME convention in Boston, where Mr. Saunders beat him by just of 4,300 votes out of 1.3 million cast.

### 'Didn't Realize They Were Voting'

"Some of the delegates that voted in Boston signed petitions, or letters, two months early, and that was allowed in as a bloc vote," Mr. Donohue said. "Most of those delegates didn't even know there was an election going on

at the convention."

Under his proposal, such bloc balloting would still be permitted, but delegates would actually have to appear at the convention to cast their votes.

"We want to make it as open an

(Continued on Page 8)

election as possible, as transparent as possible, as clean as possible," Mr. Donohue said. "The people that should be there voting are there voting, and if people change their mind when they do a bullet ballot, they should be allowed to."

Another amendment would allow more observers into the voting areas; currently, only three observers are allowed there at any given time. "Unless you have an awful lot of observers, you can't see anything," Mr. Donohue said.

### Amendments Up This Month

The proposed amendments would have to be approved by the AFSCME board of directors at its meeting this month for the changes to go into effect for the coming election, AFSCME's most-contested vote in decades.

The convention, which is being held in Los Angeles, will begin June 18, with the vote taking place on June 21.

"We want to get delegates to understand that we'd like them to give us a chance, speak to us before they make up their mind," Mr. Donohue said. "We want to give members a greater voice, but we think they have a right and a responsibility to find out where we come from."

Mr. Saunders, who served as special assistant to Mr. McEntee for many years, enjoys the support of the retiring president. Mr. Donohue is backed by former Secretary-Treasurer William Lucy, who praised his conciliatory approach in his endorsement message on Mr. Donohue's website, oneafscme.com.

### 'He Took the High Road'

"At the end of a seriously flawed democratic process at the Boston Convention, on the convention floor, Danny called for healing the wounds and unity, and, referring to the two campaign colors, said 'blue and yellow make green,'" Mr. Lucy wrote. "Danny took the high road toward healing and building our union as opposed to the opposition's low road toward fear and division."

In a video message announcing her candidacy, Ms. Goff pointed out the historic nature of her campaign (she would be the first woman elected to one of AFSCME's two leadership positions).



“Before I was even asked to run for Secretary-Treasurer, I held the belief that our union needed to really reflect the makeup of our union,” she said. “Here we are, predominantly women, and you do not see that diversity. It is not reflected in our top offices, in elected positions and leadership roles. Not only in the International, but across the country.”



**DANNY DONOHUE: Wants president's pay trimmed.**



**LEE SAUNDERS: Prevailed in earlier face-off.**



**WILLIAM LUCY: 'Donohue a healer.'**

## Steuben eyes nursing home changes

### Facility in Bath will operate at \$1M loss this year

By G. Jeffrey Aaron

gjaaron@gannett.com

Steuben County — with an eye on stemming operating losses at its long-term care facility in Bath — plans to outsource the tasks of three departments within the 105-bed nursing home.

A decision to eliminate a fourth department could be made in the weeks to come as county officials explore the possible sale of the facility as a long-term solution.

The county's Health Services Committee plans to solicit bids from private companies to take over the duties handled by the dietary, maintenance and house-keeping departments at the Steuben County Health Care Facility. Thirty-three people work in those departments, with about one-third of them being part-time employees, said David McCarroll, facility administrator.

The amount of money the county could save by cutting the three departments won't be known until bids are returned, although McCarroll said the amount would be "meaningful."

"The clock starts when the request for proposal is issued. (County officials) are going over it now and could release it within two weeks. There are dozens of companies that take care of these things, so we don't anticipate any problem with getting bidders," McCarroll said.

See NURSING Page 6A

"We're blessed with the high quality of the work force here. This is just about costs and we're waiting to see how much we can save by doing the (outsourcing) steps."

Similar bidding documents are being prepared for the facility's billing and accounting department, where four full-time employees work. The documents will be presented to county lawmakers upon their completion.

The workers who will lose their jobs are "very saddened" by the outsourcing strategy, said 27-year-employee Rebecca Kilsdonk, a maintenance department worker at the nursing home.

"We were very shocked and upset that they hadn't considered any concessions. The workers are more than willing to work with them to save our jobs," she said.

"The (CSEA labor union) is trying to speak out and we're going to march in Hornell at the St. Patrick's Day parade. We have flyers to hand out and buttons, but we're not sure if it's too late for the departments. The workers and the residents are like family and our lives are being uprooted."

While the Health Services Committee moves forward with the department cuts, it has also heard from a consultant about three options for selling the facility, which was built in 2008 for about

\$19.7 million.

The nursing home could continue operating as is — losses this year are projected to reach \$1 million — or it could be sold, with the proceeds going to pay off the bond used to finance the facility's construction. County officials could also decide to sell the operating license and lease the building to a new operator.

Steuben County Administrator Mark Alger said no one option is preferred.

"Other than trying to cut the losses, we have not picked a long-range goal. The problem is we are experiencing fairly sizable losses and, looking forward, the state is talking about changing the reimbursement system for nursing homes to a regional approach," Alger said.

"If they do, we would lose further reimbursements. So, the long-term prospects are not good and we need to look at that."

In prior years the nursing home's losses were covered by the county's health care fund balance. But that's no longer the case, Alger said, and the losses are now covered by money coming out of the general fund.

"We can't continue to sustain that kind of a loss," he said. "With the tax cap imposed on municipalities, we are finding ourselves trying to figure how we can reduce costs and make this thing work."



## *CSEA, PEF Remain Wary* **Revive State Discussions On Tier 6 Compromise**

By MARK TOOR  
and RICHARD STEIER

Intensive negotiations on a compromise to Governor Cuomo's Tier 6 pension proposal briefly led to a delay in a State AFL-CIO ad campaign prodding him and state legislators to "stand up to Wall Street and stop the attack on pensions" that was originally set to begin March 9.

Union sources said that the delay was prompted by an appeal by Senate Majority Leader Dean Skelos and Assembly Speaker Sheldon Silver, who indicated they believed Mr. Cuomo was ready to relax his hard-line position on major pension changes after a tense meeting he had three days earlier with key union leaders.

### 'Think We Can Make Progress'

One official, who spoke conditioned on anonymity, said the essence of the message from legislative leaders had been, "We think we can make some progress."

But the State AFL-CIO said March 11 the ad campaign would begin the following day.

The two largest state-employee unions, the Civil Service Employees Association and the Public Employees Federation, had not honored a previous State AFL-CIO commitment to hold off on running ads against Tier 6 prior to the March 6 meeting with the Governor, and they ignored the latest cease-fire as well.

"As far as we're concerned, we're certainly not wavering," CSEA spokesman Steve Madarasz said.

One city union official said the state unions—which were forced to accept severe givebacks under new contracts last year to avert thousands of layoffs threatened by the Governor—appeared concerned that whatever compromise might be reached sparing the municipal unions, "they're gonna get a full, unvarnished Tier 6."

A carefully-orchestrated campaign for the changes—including a 401(k) option vehemently opposed by union leaders and other provisions that would require future employees to

work longer and collect a less-generous pension benefit than those already on the job—has been waged by Mr. Cuomo with the support of Mayor Bloomberg, a sizable number of county executives, business groups, and all of the city's daily-newspaper editorial boards. But union opposition had been equally staunch, and legislators were swayed by their objections.

### Offers Little Short-Term Relief

Two in particular appear to have resonated: that by the Governor's own admission, the plan would provide negligible short-term savings, and that it was just two years ago that a less-generous Tier 5 pension plan took effect for all new state workers.

From a political standpoint, legislators facing close re-election races are worried about bucking a popular Governor but equally uneasy about the prospect of unions mobilizing against them if they supported his proposal.

Mr. Cuomo has vacillated sharply over the past couple of weeks in his public pronouncements on the legislation. Twice he said he was willing to be flexible on what a final measure might look like, on one occasion likening himself to "a veritable Gumby." On each occasion, however, after stinging editorial criticism in the tabloids, he retreated to a harder stance. Union officials who were briefed on last week's meeting with labor officials said that mood prevailed there, even as he urged them to cooperate at a point when he believed he had maximum leverage over legislators.

Thousands of public employees streamed into Albany last week to lobby against the drastic pension changes, even though they directly apply only to future state and municipal workers. Further rallies have been scheduled for this week, one organized by police- and fire-union leaders, another by PEF.

### Take It Out of State Budget?

One uniformed-union official said he believed that the new negotiations would lead to the Tier 6 pension proposal being removed from the Governor's budget and considered as part of the normal legislative

(Continued on Page 7)



Page 1 of 3

process. Mr. Cuomo had included the plan in his budget to increase the pressure on legislators to approve it or risk him shutting down state government if the budget was not approved by April 1, the start of the state's fiscal year.

Legislators were clearly unhappy about the prospect of being blamed for a potential crisis and facing condemnation by both the Governor and editorial writers for letting their sympathy for public workers and their unions interfere with reform. In the days before legislative leaders asked the State AFL-CIO for a grace period while negotiations proceeded, they or their surrogates made clear their reservations about the Governor's plan.

After weeks of sending signals questioning Tier 6, Mr. Silver told a March 6 luncheon held by the American Federation of State, County and Municipal Employees, "I think the Governor has to work out with the unions a reasonable approach to saving money. There is a deal to be made that will safeguard secure retirement and save money for the State of New York, and that's the interest.

"As we evaluate proposals to reduce the cost of government, you can be assured that every worker's right to a well-earned, secure, retirement is of the highest priority in the Assembly," he continued. "We won't allow that right to be jeopardized."

AFSCME is the parent union of both the CSEA and District Council 37.

## **GOP Leader: Plan Needs Work**

Thomas W. Libous, deputy leader of the State Senate's Republican majority and usually an ally of Mr. Cuomo, told the same gathering that Mr. Cuomo's plan "needs some work... The Governor's plan is going to be negotiated."

Jack McEneny, an influential Assemblyman from Albany, predicted that the Assembly would pass its version of the budget March 12 "and it isn't going to have Tier 6 in it."

"Do we need it? Maybe," he told the Albany Times Union. "But should there be public hearings? Should labor and management be at the table together? Does it have to be in the budget, since it has almost no effect on the budget, since we haven't hired anybody?"

The bill may have a flaw. Daily News columnist Juan Gonzalez reported March 7 that it did not include an analysis from the city's Chief Actuary, Robert C. North Jr., on how it would affect city finances. The law requires that such an analysis accompany any pension-related legislation, but now there is not enough time to

prepare one by the April 1 budget deadline, Mr. Gonzalez wrote. A spokesman for Mr. Cuomo claimed the analysis could indeed be produced very quickly.

Mr. North was less definitive, telling this newspaper, "We're working on it."

## **Labor Lobbies Legislature**

Two thousand AFSCME members visited Albany to protest the Tier 6 proposal, which would require larger deductions from future workers' paychecks in return for smaller benefits, eliminate overtime from final-average-salary calculations, and raise employees' contributions even further when a declining stock market reduces returns on investments by the pension fund.

For the first time, it would allow employees to choose a 401(k)-style option in which their retirement benefit would be determined primarily by how well their investments performed. Unions and other opponents of Tier 6 are particularly unhappy about this option, which is becoming the only retirement plan available to many private-sector workers, saying it is too chancy to depend on for a secure post-career life. They also fear that diverting money from the traditional state and local defined-benefit programs to 401(k) plans would seriously weaken those funds.

## **Unions: Penalize Wall Street**

CSEA and PEF both unveiled ad campaigns last week opposing Tier 6.

"Wall Street nearly wrecked the economy and got bailed out," says a worker in a CSEA spot. "But I'm told to give back because times are hard. It's just not right to take away the future security of young people."

"The Governor wants to wash his hands of government responsibility," says a PEF ad showing a pair of hands at the end of a suit coat washing themselves at a sink. The ad criticized not only the Tier 6 plan but also other proposals including reductions in the budget for cancer research and mental-health services and to a weakening of the civil-service system.

The unions and their legislative backers last week seemed to cancel out the voices of support for Tier 6 from business groups and municipal officials, led by Mayor Bloomberg. The proposal's backers say the state can no longer afford the current pension system. Mr. Cuomo has estimated his proposal will save the state \$113 billion over 30 years, but most of that savings is at least 20 years into the future.

Mr. Cuomo said he had previously re-

fused to bring unions into the deliberations on Tier 6 because by law pensions are not a negotiable item. Generally, however, changes in pension rights are discussed informally by the state or municipal employer with the affected unions, and afterwards the two groups present a united front to the Legislature. Where this step is skipped—as it was in Mayor Bloomberg’s attempt last year to cut off Variable Supplements Fund payments to police and fire retirees—failure is likely.



**SHELDON SILVER: Tells Governor to compromise.**



**TOM LIBOUS: Plan not ready for prime time.**



**GOVERNOR CUOMO: Unions won't see it his way.**



**MARIO CIENTO: Sitdown didn't move needle.**

# 'Ugly' Process Gets Results, And Rebukes

**'We still have three men in the room... there's no transparency.'**

By JACOB GERSHMAN

It was a "big ugly" that didn't look so pretty.

New York Gov. Andrew Cuomo is taking unusually heated criticism from a variety of quarters for his latest mega-deal with state lawmakers—from good-government leaders, editorial boards and even some fellow Democrats.

The passel of legislation that swept through the Capitol in the wee hours Thursday morning overhauled pension benefits, legalized casinos, re-drew political maps and expanded the state's DNA criminal database. But it recalled for many one of Albany's less noble traditions: "the big ugly," a moniker for a Frankenstein-like patchwork of legislation passed in a hurry during budget season.

"I'm extremely disappointed," said Sen. Michael Gianaris, a Democrat from Queens, who had called on the governor to veto new political boundaries he said hurt minorities. "It's obviously part of a political deal he thought he had to make."

But Mr. Cuomo had a direct response Thursday: He said he was showing that New York government was working again after years of dysfunction, a recurring theme of his first term in office.

"Government is supposed to function," Mr. Cuomo said. "It's not a debating society."

As Mr. Cuomo took to the air-

waves Thursday, he appeared content to deal with criticism about legislative sausage-making, believing the public would appreciate the ends more than the means.

"All in all, we did the people's business," Mr. Cuomo said. "We did it well."

Mr. Cuomo has slipped slightly in the recent polls, but the issues on which the governor conceded ground are more complicated policy debates—redistricting, for instance—that don't tend to inflame the electorate.

Parts of the package have been praised. Mayor Michael Bloomberg is expected to be in Albany Friday to watch Mr. Cuomo sign changes to the pension system that the city believes will save about \$20 billion over 30 years.

Meanwhile, with most potential snags taken care of, Mr. Cuomo is now looking ahead to passing one of the earliest budgets in state history in a Capitol where financial plans commonly weren't settled until the early summer.

"My guess is what happened this week in Albany will only help the governor in terms of the public's perception of him," said Steven Greenberg, a pollster for Siena College.

At the same time, Mr. Cuomo now has to face something he has avoided: consistent, public

grumbling from a host of critics who until now had refrained from rebuking the powerful governor.

"The governor said he is going to veto hyper-partisan lines. The lines remain hyper-partisan," said Susan Lerner of Common Cause New York, referring to the governor's agreement with lawmakers on new political

*Please turn to the next page*  
*Continued from the prior page*  
boundaries that are seen as protecting incumbents for 10 years.

Mr. Cuomo found himself Thursday sparring with reporters who grilled him about the secrecy around the legislation. New Yorkers had about four hours between 3 a.m. and 7 a.m. to see the text of the 45-page pension bill before the vote.

Mr. Cuomo also drew fire from both fiscal conservatives and labor leaders—both of whom have been his allies at one time or another.

Danny Donohue, the head of the Civil Service Employees Association, charged that Mr. Cuomo shoved a "devastating" pension bill "down the throat of legislators."

But E.J. McMahon, senior fellow at the Manhattan Institute, a think tank, said Mr. Cuomo squandered a chance to more fundamentally shake-up a costly pension system.

"I think the criticism of the governor has been sharper this time," said Doug Muzzio, a professor of public affairs at Baruch College. "We still have three men in the room. The massive logroll. And there's no transparency. Legislators still don't know what they're voting on until the leaders tell them how to vote."

"There was a honeymoon period," Mr. Muzzio said, during which "the ugliness of the process was overlooked." That period may be over, he said.

Mr. Cuomo responded to critics in part through a video of himself touting the legislation. Albany put "voices of the people ahead of the demands of special interests," the governor said.

Mr. Cuomo said it would have been pointless to fulfill his promise to veto the legislative



lines proposed by lawmakers. He pointed to the congressional lines drawn by a federal magistrate, saying there was very little difference between the maps drawn by the court and those by lawmakers.

But Steven Romalewski, director of CUNY Mapping Service at the Graduate Center for Urban Research, said: "There are many districts where at face value the visual differences between the

judge's plan and the Legislature's proposals are striking."

Mr. Cuomo said it was important to get lawmakers to change the process the next time with a constitutional amendment creating a panel—appointed mostly by legislative leaders—to redraw maps with fairer criteria.

"It's much more beneficial for the people of this state to have long-term reform," the governor said.



# Town highway workers defend their honor

## Say they didn't out driver in tire incident

BY TIM GANNON | STAFF WRITER

Three of four Riverhead Town highway workers cleared of wrongdoing in an on-the-job incident in which a town truck was damaged last year say they didn't "roll over" on a co-worker against whom the town is now seeking pursuing disciplinary action.

The Riverhead Town Board authorized disciplinary action last June against five highway crew members — pending a hearing — after a town highway truck's tires were damaged by someone gassing the truck hard and spinning them on the pavement. One tire had to be replaced, one of the workers said. The board was seeking 30-day suspensions without pay for all workers.

But on Feb. 22, the board rescinded that resolution and approved another one, this time seeking a 30-day suspension against just one employee.

The resolutions didn't mention names.

Speaking on the condition of anonymity, the crewmen said they took exception to Councilman Jim Wooten's comments in the News-Review that the four employees "finally rolled over" by outing the driver allegedly responsible for spinning the tires.

**TOWN** | PAGE 33

The employees said they did not out the truck's driver, nor did they see what happened with the trucks. They were all suspended only because they were all in the same crew that day, they said.

Matt Hattorff, head of the local Civil Service Employees Association, the union to which most town employees belong, told the News-Review last month that the town didn't have enough evidence to make the charges stick against the other employees, and that he's glad they were cleared.

But the three cleared employees interviewed this week said they were

suspended 30 days without pay and that there wasn't even a hearing. The cleared employees — four in all — will be reimbursed for the month's pay they lost and the charges will be taken off their records, both the men and a town official said. The workers said they aren't sure why they were cleared, but they suspect their colleague may have admitted to being the driver.

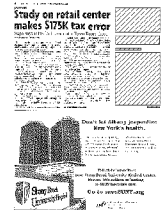
The town will also seek another 30-day suspension against the other employee, officials confirmed.

It could not be confirmed whether that employee also has been suspended with pay for eight months since the incident, as the News-Review had been told. Supervisor Sean Walter referred that question to highway superintendent George Woodson, who in turn said only that the Town Board determined the punishments.

Mr. Hattorff confirmed this week that the four employees will be reimbursed, but said he couldn't comment on the other employee because that issue is pending. That employee could not be reached for comment.

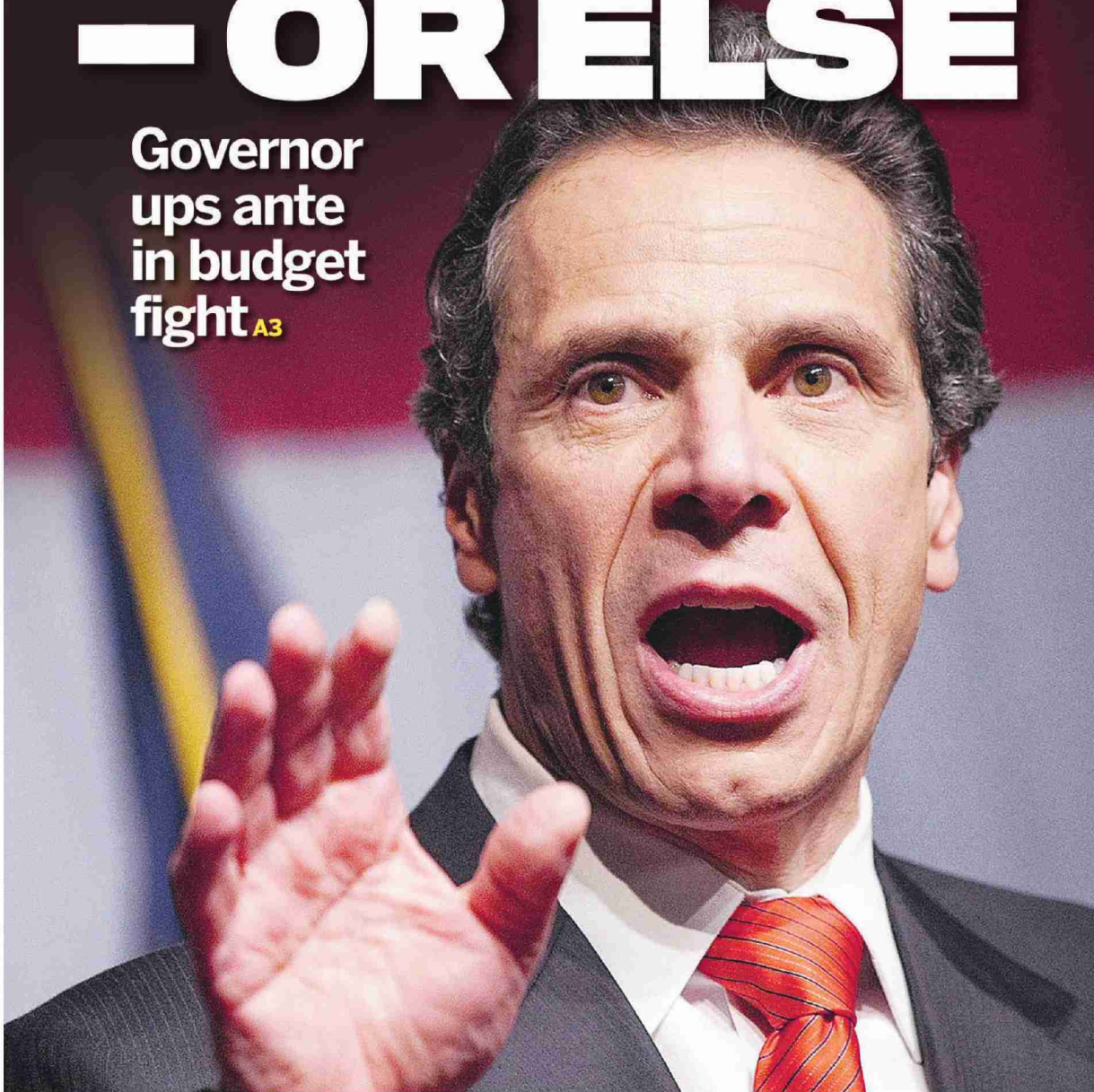
"All this was because of a \$75 tire," one of the workers said.

[tgannon@timesreview.com](mailto:tgannon@timesreview.com)



# CUOMO TO LEGISLATORS REFORM PENSIONS — OR ELSE

Governor  
ups ante  
in budget  
fight **A3**



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GETTY IMAGES FILE PHOTO

# PENSION PUSH

## Cuomo adds pressure while unions, business groups clash

BY YANCEY ROY AND TED PHILLIPS  
yancey.roy@newsday.com  
ted.phillips@newsday.com

ALBANY — Gov. Andrew M. Cuomo escalated his fight to overhaul New York's pension system yesterday, trying to force the Legislature to adopt his proposals and sparking a clash between business groups that support him and public employee unions that oppose him.

The biggest municipal employee union hoisted a giant inflatable pig on the Capitol steps — saying it portrayed “greedy Wall Street” types who would benefit most from Cuomo's proposal to reduce pension benefits for future government hires.

But Senate Majority Leader Dean Skelos (R-Rockville Centre) suggested that a compromise could be emerging. It would involve the governor abandoning his idea that new workers be offered a 401(k)-style savings plan instead of a traditional pension.

“Right now, the governor is having ongoing discussions with different labor unions,” Skelos said. “We don't exactly know what it's going to be at this point, but I believe we will have pension reform.”

Cuomo has demanded that lawmakers adopt a less lucrative pension plan for future public workers as part of the 2012-13 state budget. But the Democratic-led Assembly and the Republican-led Senate omitted the pension plan from budget proposals

unveiled yesterday.

In response, Cuomo ratcheted up the rhetoric. He again warned that they must include some form of his pension plan in the state budget that must pass by April 1, the start of the fiscal year. If they don't, he will submit emergency spending bills containing the pension plan. That would give lawmakers the choice of accepting Cuomo's plan or shutting down state government.

“If we don't have pension reform, I'm not going to pass the budget. Period,” Cuomo said in a radio interview.

Cuomo's threat coincided with the launch of a new ad campaign by the Committee to Save New York, a business-funded group that has spent more than \$10 million supporting Cuomo's agenda since he took office last year. The ad urges viewers to “tell your legislator to support Governor Cuomo's plan” to “rein in soaring pension costs.”

The AFL-CIO, which strongly opposes any pension reductions, reacted with its own ads. The umbrella labor group had shut down its campaign last week.

“The ads ask New Yorkers to stand-up to Wall Street and to stop the attack on pensions,” the AFL-CIO's Ryan Delgado said in a statement. “Wall Street greed, not the pensions of hardworking New Yorkers, collapsed our economy, yet through [pension reductions],

the middle class is asked to pay the price once again.”

The American Federation of State, County and Municipal Employees inflated a giant, cigar-chomping pig in the shadow of the Capitol — dubbing the likeness “1%” in a reference to Occupy Wall Street protesters who say they represent 99 percent of the population.

Unions also accused Cuomo of holding the legislative redistricting process hostage in the pension talks. The legislature redraws Assembly, Senate and congressional districts after each decennial census.

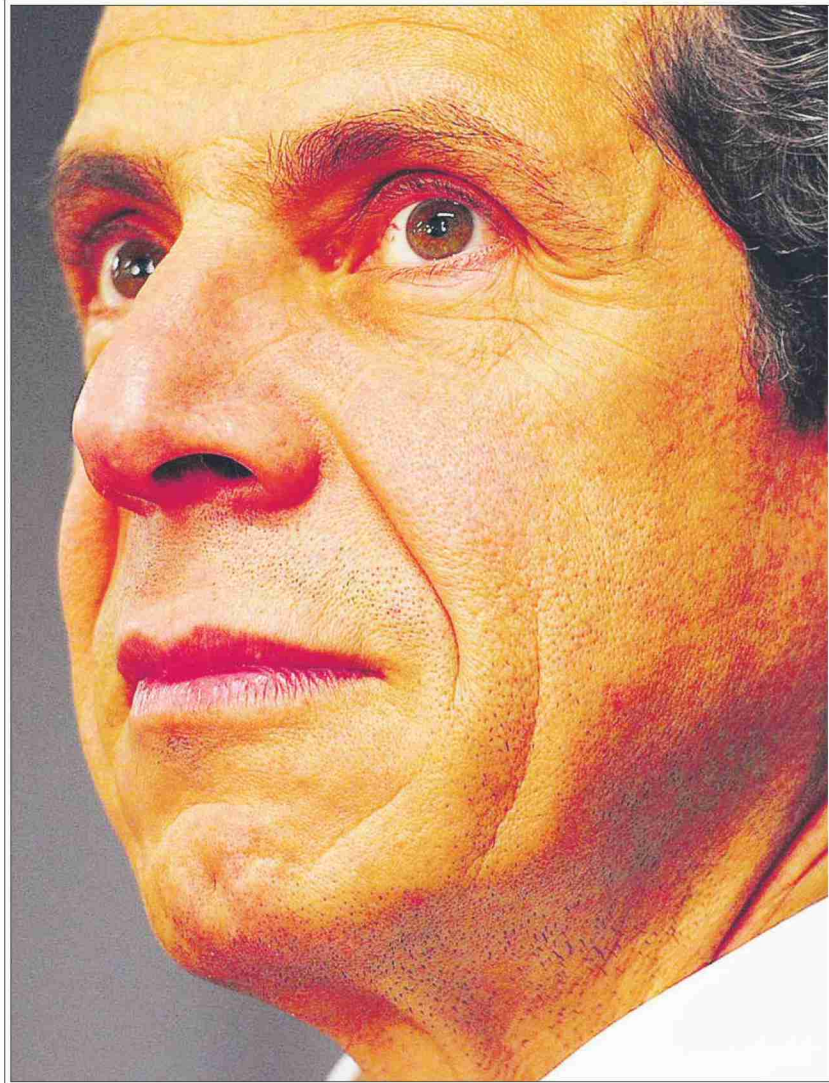
“He says [the pension debate] is about politics and not the merits. We agree,” Steve Madarasz of the Civil Service Employees Association said of Cuomo. “It's about his politics.” Because Cuomo is “not getting any traction in the Legislature,” on pensions, he is using redistricting as leverage, Madarasz said.

Skelos and Assembly Speaker Sheldon Silver (D-Manhattan) disagreed that the issues are intertwined.

“I don't think so,” Silver said yesterday. “It hasn't been communicated to me.”

In suggesting that a pension compromise could be at hand, Skelos said “movement is away from” Cuomo's idea to offer new workers a 401(k)-style savings plan. Cuomo has said recently that he's “flexible” about the proposal. Skelos thinks there is support for limiting

overtime pay for pension calculations, increasing the retirement age and the years of service required for vesting.



## Cuomo's plan

Gov. Andrew M. Cuomo's pension proposal for new workers would:

- Raise the retirement age to 65 from 62
- Increase employee contributions
- Require employees to contribute more when financial markets do poorly
- Eliminate overtime from benefit calculations
- Reduce benefits and offer the option of 401(k)-style defined contribution plan.

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## \$113 billion over 30 years

Amount he says it would save state and local governments. Most of the savings would come in later years and the projection does not account for inflation.

*Source: Governor's office; Office of the State Comptroller*

# Open hostility between governor & labor

# Cuomo's

# threat

# to unions

By ERIK KRISS  
*Bureau Chief*

ALBANY — Gov. Cuomo warned public-employee unions yesterday that “thousands and thousands” of their members could be thrown out of work and taxes could spike if their legislative pals fail to support pension reform.

And Cuomo’s business allies backed him up; the Committee to Save New York launched a new, seven-figure TV ad blitz urging lawmakers to “rein in soaring pension costs to avoid crippling tax hikes and massive layoffs in public safety and education.”

Cuomo used some of his strongest language yet in threatening to scuttle the state budget if it doesn’t include measures to cut the skyrocketing cost of public pensions that is forcing government cutbacks.

“You’ll be laying off thousands and thousands of public employees, period, and you’ll be raising taxes,” Cuomo warned on Al-

bany’s Talk 1300 AM radio.

That could trigger a showdown in which Cuomo forces lawmakers to choose between passing emergency budget extenders that include pension reform and shutting state government.

“I have said clearly, if we don’t have pension reform, I’m not going to pass the budget, period,” Cuomo added. “If they [legislators] believe in their position that we don’t need pension reform, fine, bring it to a head.”

“You stand up and you make your case and I’ll make my case and we’ll see who the people of the state of New York agree with,” he said.

Cuomo charged that for lawmakers who oppose his plan, “it’s about the [union campaign] donations . . . on both sides of the aisle. The dominance of these interests has been clear for years.”

Meanwhile, the AFL-CIO, which postponed its own ads slamming the Cuomo plan last

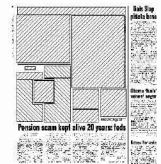
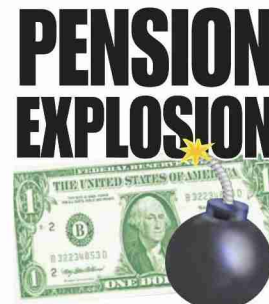
week to give negotiations a chance, planned to strike back today, unleashing its ad barrage.

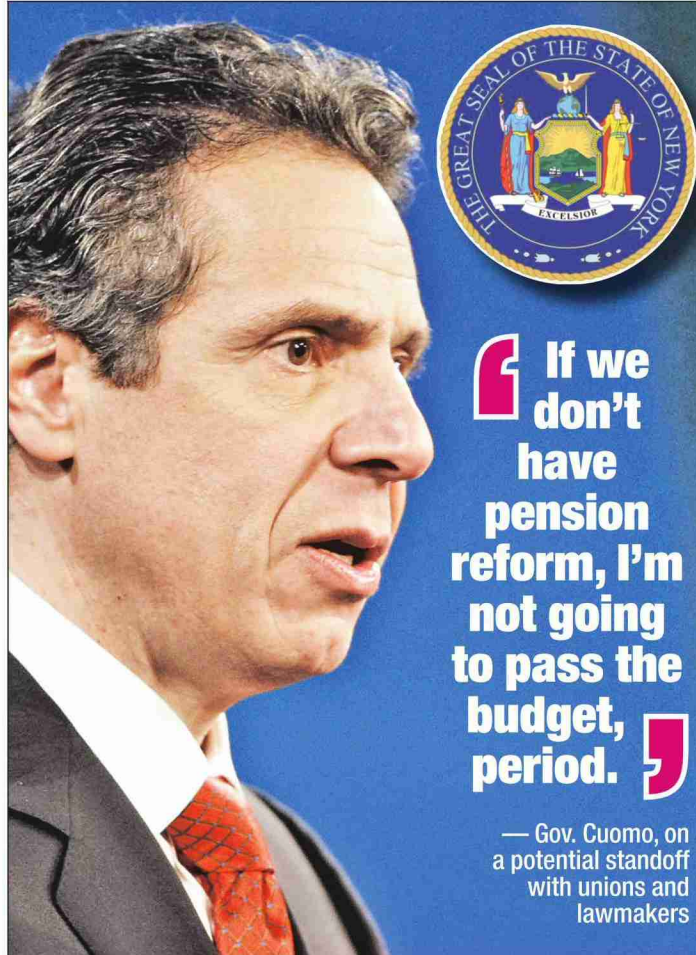
The Civil Service Employees Association — the state’s largest public-employee union — and the American Federation of State, County and Municipal Employees are already on the air charging the Cuomo plan will slash retirement benefits by 40 percent.

“We were trying to let the process play out a little bit and see if there was some softening,” a labor source said of the AFL-CIO’s decision to delay its ads last week. “But the administration insists on calling for cuts.”

Cuomo calculates his proposal will save state and local governments \$113 billion over 30 years.

[ekriss@nypost.com](mailto:ekriss@nypost.com)





**If we don't have pension reform, I'm not going to pass the budget, period.**

— Gov. Cuomo, on a potential standoff with unions and lawmakers

## Truth behind union 'resistance' to reform



**T**OP state labor leaders privately predict that Gov. Cuomo will win his fight for new, cost-cutting, Tier 6 pension reforms.

The leaders also have conceded that strong union opposition to the plan, which could save the state and New York City more than \$100 billion over 30 years, is being driven by bitter internal union politics, including a tough national struggle for the presidency of the American Federation of State, County and Municipal Employees.

Tier 6 would be a classification for new employees who would not have the same pension and benefit rules.

Civil Service Employees Association President Danny Donohue, head of the state's largest public-employee union, is the leading candidate for AFSCME president "and Danny can't afford to have it seem like he's been rolled by Cuomo," said a well-known union leader.

Donohue is battling AFSCME Sec-

retary-Treasurer Lee Saunders, a Cleveland native who once held a high-level post in DC 37, New York City's largest public-employee union.

As a result, "you have Danny's people in CSEA and Saunders' people at DC 37 trying to outdo each other in opposing Cuomo's pension reforms," said a prominent city labor official.

Also fueling union opposition is a newly emerged insurgent challenge to Kenneth Brynien, president of the Public Employees Federation, the state's second-largest union. That challenge has stiffened PEF's resistance to Cuomo's proposals, the insiders said.

And the new head of the state AFL-CIO, Mario Cilento, is under pressure to show his militancy by opposing Tier 6 so he can retain his position this summer with votes from CSEA, PEF and DC 37.

But behind the scenes, union lead-

ers say they're willing to make major concessions to Cuomo, including accepting his plan to cap future pension payments and end the practice of inflating overtime earnings to run up final pension awards.

"The first thing that's needed to get an agreement is to not call it 'Tier 6' but to refer to it as 'pension reform,'" said a key union leader.

"And then the emphasis should be on eliminating the stuff that the public sees as outrageous, the abuses, by capping payments and elimination of overtime from the calculations," the leader continued.

A source close to the Cuomo administration quickly responded, "Calling the reforms something other than 'Tier 6' would be fine. Call it whatever you want, as long as the savings are there. We will be reasonably accommodating."

*fredric.dicker@nypost.com*





## FOR THE RECORD

Virtually from the time that Governor Cuomo issued his new Tier 6 pension proposal, rumors have been floating that he will ultimately agree not to include future city workers in the final bill. The reasons for such an exclusion, both government and union sources say, range from the change being less important for the city than the state to the less-noble desire to frustrate Mayor Bloomberg one more time.

There are countervailing pressures, however, against the Governor pulling off what would amount to a repeat of his Teacher-evaluation trick, when he reached a comprehensive deal with the state union but gained just an agreement in principle governing the Bloomberg administration and the United Federation of Teachers, leaving it to them to work out actual details.

Besides the criticism he would risk from business groups and editorial writers for excluding city employees, the Governor would face stiff resistance from the two biggest state-employee unions. Civil Service Employees Association President Danny Donohue is running for president of his national union, and Public Employees Federation head Ken Brynien is facing a challenge for re-election; it would hurt the chances of both of them if their future members were saddled with a new pension scale-back when most city employees are not even feeling the pinch of Tier 5 yet.

Several sources told us last week that the Department of Investigation is probing members of District Council

37 for abuses of release time, an inquiry that was allegedly prompted by DC 37 Executive Director Lillian Roberts alerting DOI to one individual's discrepancies.

That employee, a delegate for both DC 37 and the American Federation of State, County and Municipal Employees, is a supporter of Danny Donohue in the upcoming election for AFSCME President.

Some sources say that the individual broke release-time rules, leaving the country but still looking to be paid by the city for working on union business while abroad. But Ms. Roberts's support of Lee Saunders for AFSCME President figured into her notifying city officials, according to others.

If so, the move may have backfired, if DOI is in fact casting a wider net and petitioning locals and divisions in DC 37's headquarters at 125 Barclay St. for details on city employees who work for the union on release time.

Several of DC 37's local presidents stated that they had not been contacted by DOI regarding an investigation. There was no confirmation or denial of a probe from DC 37 or DOI.

Health and Hospitals Corporation spokeswoman Ana Marengo took issue with the claim in Richard Steier's column last week that she had not responded to any of 10 questions he had asked about a contract with Navigant Consulting Inc. reached by the Physician Affiliate Group of New York, which provides doctors for six hospitals within the HHC network.

In fact, she provided responses to three of those questions, but

whether two of those responses were accurate is open to question.

The one that is not concerned whether the HHC board had approved the contract; she stated in her e-mailed response that such approval was not required.

Ms. Marengo had also stated in that response that there had been no decision to terminate the contract with Navigant, notwithstanding the departure of Dr. Marc Bard, the senior executive at the consultant who had served as chief executive officer of PAGNY. Mr. Steier's source insists otherwise: that although the contract contained options for two one-year extensions beyond its initial year, it was only at the prodding of top HHC officials that a single six-month extension through June 30 was granted last fall.

Asked whether PAGNY's board had approved the firing of Peter Gordon as its executive administrator, as was required under the contract, Ms. Marengo had replied, "Mr. Gordon was not fired from PAGNY. His role with [Downtown Bronx Medical Associates] did not roll over into the newly formed PAGNY."

That response did not square with the inaugural newsletter issued by PAGNY last September that began with a statement from Dr. Bard. He wrote in its first paragraph, "To make 'management' more visible and tangible, permit me to formally introduce the current members of our senior management team." Among the 10 officials it listed was Mr. Gordon, with his title given as "VP for Operations." At the beginning of 2011, a letter from Navigant spelling out the contract terms was addressed to Mr. Gordon and described him as PAGNY's "executive administrator."

As was noted in Mr. Steier's column, calls to top officials of both Navigant and PAGNY were not returned.



## Contract, Layoffs Spur Revolt

# Coalition Forms to Take On PEF's President Brynien

By MARK TOOR

A slate called NY Union Proud has emerged to challenge Public Employees Federation President Ken Brynien in union elections coming up in the spring.

"We feel the current administration has been providing weak leadership," the presidential candidate, Susan Kent, said in an interview. Ms. Kent is PEF's statewide labor-management chair and council leader in the Department of Education.

Mr. Brynien disputed that characterization, saying the union had held up well against a hostile but popular Governor.

### Slate Features Union Veterans

The slate has a website (<http://nyunionproud.org>) and a list of candidates, including Carlos Garcia of DOE for secretary/treasurer, and three vice presidents: Wayne Spence of the Department of Corrections and Community Supervision, Wayne Bayer of the Department of Environmental Conservation, and Barbara Ulmer of the Department of Taxation and Finance. All are longtime union activists.

Ms. Kent said that members were dissatisfied with PEF's recently-approved new contract, which like the one ratified last summer by the larger Civil Service Employees Association contained a three-year pay freeze, nine unpaid furlough days and substantial increases in health-care premiums. After the membership voted down the first contract negotiated with the state, PEF worked out a second contract with "small changes," she said.

"Members of one of the nation's most important professional unions, the public servants of PEF have suffered profound disrespect, profound disregard, not only from the Governor and his appointees who boss the state agencies but from their own union leaders," says the NY Union Proud website.

### Tier 5 Still Rankles

But Ms. Kent said the contract was not the most important issue for her group. The impetus for the slate's formation came in the summer of 2010, she said, when Mr. Brynien and other union leaders agreed not to oppose

the passage of Tier 5 in exchange for a promise that no employees would be laid off that year. As he left office, Gov. David Paterson laid off hundreds of workers at the close of business Dec. 31, claiming his no-layoff pledge did not go beyond the end of the year.

Mr. Brynien, who was first elected in 2006, did not aggressively challenge the layoffs or ensuing violations of civil-service rules, she said, and he went into the negotiations that resulted in the last contract without a public-relations campaign seeking to demonstrate that public workers deserved a decent deal.

Despite the layoff-protection language in the new contract, she said, the PEF leader did nothing to prevent recent layoffs from facilities closures and consolidations of government operations. (Mr. Cuomo himself has admitted that the language provides no real protection.)

Ms. Kent noted that recommendations by the Governor's SAGE (Spending and Government Efficiency) Commission, which already proposed consolidating information-technology and human-resources functions across state agencies, presaged more layoffs.

### Promises to Confront Governor

With her as president, she pledged, PEF would be involved in workforce planning, making sure there is "a plan in place for current workers to be retrained or to be reassigned to other jobs." She would make it clear, she said, that the often-secretive Cuomo administration had to give unions a seat at the table, "or we're going to do everything we can to let the public know." However, she said, Mr. Cuomo is "a smart man and a good politician" and "I don't think he wants to go on to higher office as an enemy of unions."

"We have been fighting the state for years on a whole bunch of issues," Mr. Brynien responded in an interview. He said that PEF had stopped facilities from closing and that even in the most recent contract, the union had

(Continued on Page 8)



won improvements over what CSEA settled for.

On the subject of layoffs, he said, PEF has suffered them in the dozens rather than the 3,500 Mr. Cuomo had threatened during contract negotiations. Mr. Paterson's layoff of about 1,000 workers at the end of 2010, he said, affected about 200 PEF members. "Our main focus is preserving jobs," Mr. Brynien said. "...We'll fight every layoff. . . Sometimes saving every single person is not possible."

### 'Everybody's Left Out'

On the union's input into Mr. Cuomo's policy-making, he said, "legislators are left out too. Agency commissioners are left out too." The Governor likes to make policy with a very small circle of aides, Mr. Brynien said. "We have a seat at the table, but we don't have any more clout than anyone else at the table." He noted that the closings of state facilities had affected CSEA more heavily than PEF. "Apparently they don't have more clout than we do," he said.

PEF is fighting plans to close Kingsboro Psychiatric Center and to move some care functions from another Brooklyn hospital, SUNY Downstate, to Staten Island, he said. Bronx Psychiatric Center was planning to get rid of more than 100 people, he said, but PEF negotiated it down to 10.

Mr. Brynien said he was reluctant to criticize Ms. Kent, but "she's never been in a position to have to deal with this stuff. She's talking not from experience."

Ms. Kent pointed to the Office of Children and Family Services as an example of layoff problems and their ripple effects. The agency is facing as many as 900 layoffs as it fulfills Mr. Cuomo's pledge to transfer youthful offenders from secure upstate facilities to community programs closer to their homes in New York City, she said.

### Trouble Brewing in Westchester?

She said she believed many of the youngsters would end up in Westchester County because the city doesn't have the capacity to handle them right now. She also noted that the community programs have far less supervision than the secure units, and see more violence and escapes. Hearings should be held in Westchester about the potential dangers this could pose for communities, she said, adding, "Everything's being done behind the scenes."

Ms. Kent said she opposed not only Mr. Cuomo's Tier 6 proposal but also Tier 5, explaining, "We're opposed to anything that's inequitable, anything that sells out new members." Employees in each tier will receive fewer benefits at a higher cost than those in earlier tiers.

NY Union Proud must collect petitions with signatures from 10 percent of PEF's 54,000 members, a difficult and expensive undertaking in a union that has employees all over the state. The petition effort will begin late this month.



**KEN BRYNIEN: A tough contract to campaign on.**



**SUSAN KENT: Says she'd be more assertive.**

## Cuomo: Compromise On Tier 6 Proposal Something I Can Do Might Scrap 401(k) Piece If Legislators Insist; Hard-Liners Upset

By MARK TOOR

Governor Cuomo signaled last week that he might compromise on removing the 401(k)-style option from his Tier 6 pension proposal in order to win legislative approval. The response from many of his pension-hawk supporters: Don't do it.

"I'm not saying, 'This is my plan, it's my way or the highway,'" Mr. Cuomo told reporters Feb. 27 after a meeting with a group of Mayors. "There's a negotiation with the Legislature, and at the end of the day it's about the savings. I've gotten more flexible as Governor. A veritable Gummy you need to be to be a Governor."

### Boost Benefits in Better Times?

He also said he could be open to pension improvements in future years: "Fine, then reduce it to the level you can afford it today, and if the economy turns around, and if you have the money, and if you want to raise the pension benefits down the road, raise the pension benefits, and that's fine."

In likening himself to Gummy, Mr. Cuomo took a step back from remarks a week earlier. He had threatened that if the Legislature removed Tier 6 from the budget, as many lawmakers have urged him to do, he would re-submit it as part of a budget-extension bill, which if not passed would shut down state government.

However, Stephen Madarasz, a spokesman for the Civil Service

(Continued on Page 7)

Employees Association, declined to characterize the statements as a change in Mr. Cuomo's position. "It's a very fluid situation," he said of discussions surrounding the pension proposal. Officials of the Public Employees Federation were not available for comment.

Mayor Bloomberg, a strong advocate of the original Tier 6 plan, indicated Feb. 29 that he was sympathetic to Mr. Cuomo's position on the 401(k) issue. "Whether it's politically practical, he's got to deal with the reality," he told reporters. "I understand that."

## Friends Become Foes

Many of his usual allies were less understanding.

"Cuomo can't have it both ways," E. J. McMahon, of the business-funded Empire Center for New York State Policy, wrote in Newsday Feb. 29. "He can't claim to be obsessed with saving money in the long run while winking at the likelihood that unions will push to restore higher benefits before the first Tier 6 employees are even vested in the plan."

"In the face of this opposition, Cuomo appears prepared to retreat," the Daily News, an enthusiastic opponent of public-employee pensions and usually an acolyte of the Governor, editorialized Feb. 24. "Now is not the time to send such a signal. Now is the time to impress upon legislators, again, that he is fully prepared to give them the choice of approving his full reforms or shutting down the government."

"Cuomo is reportedly toying with dropping the 401(k)-style 'direct-contribution' component of his plan," proclaimed a New York Post editorial. "Sheesh! Gummy seems like a veritable Rock of Gibraltar by comparison."

The plan, which would apply to newly-hired state and city workers, would raise paycheck deductions for defined-benefit pensions while reducing the amount a worker could receive. It would exclude overtime from pension calculations and increase the amount of time over which the final average salary is calculated from three to five years. It also would raise employee contributions in years when pension-fund investments fell short on earnings.

## The 401(k) Debate

It would offer, for the first-time, a 401(k)-style option that employees could choose instead of the usual pension. The state would contribute the equivalent of 4 to 7 percent of an employee's salary and the worker could kick in up to 7 percent. In contrast with the defined-benefit pension, an employee who left state service after as little as a year could take the 401(k) along. A defined-benefit pension would take 12 years to vest under the proposal.

Public-employee unions, while they oppose the entire Tier 6 proposal, are especially unhappy with the 401(k) option, in which the amount employees end up with depends on how well their investments do rather than length of service or final average salary. Union leaders call it an assault on the middle class.

Many state officials, including Comptroller Thomas P. DiNapoli, say



401(k)s are too risky to depend on for a decent standard of living in retirement. And so many Democratic lawmakers are sympathetic to public workers that it's not clear the Legislature will approve Tier 6, even with modifications.

Mr. Cuomo says the plan would save state and local governments \$113 billion over 30 years, but any appreciable savings are at least 20 years down the road. The 401(k) accounts would provide only \$8 billion of that savings, he said.

### **CSEA: 'Cuts Benefits 40%'**

On the other side of the equation, Mr. Madarasz said, "Tier 6 cuts benefits 40 percent. . . It's another example of Wall Street executives telling Teachers and school-bus drivers and mental-health workers that they can't have a secure future."

The public debate about Tier 6 continued. "The truth is, Tier 6—coming just two years after the creation of a Tier 5 — will sharply reduce the talent pool of prospective state employees and endanger the quality of service we all need," wrote Alan Lubin, co-chair of Business and Labor Coalition for New York, which includes members of both groups. Mr. Lubin is a former top official of the state Teachers union.

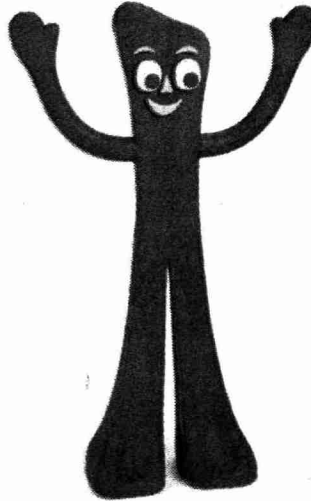
Kathryn Wilde, of the Partnership for New York City, which is business-funded, sent a letter to Assembly Speaker Sheldon Silver and Senate Majority Leader Dean Skelos saying, "Our state and city cannot continue to attract and keep new talent and compete globally if we do not find ways to contain the growing costs of government."

Danny Donohue, president of CSEA, issued a rebuttal: "The Partnership for New York City's corporate masters just got a tax break in December that's bigger than the pensions most working people earn. Times may be tough, but it's a bit much that corporate CEOs tell future nurses, school-bus drivers, highway workers and others to just accept a 40-percent pension reduction."

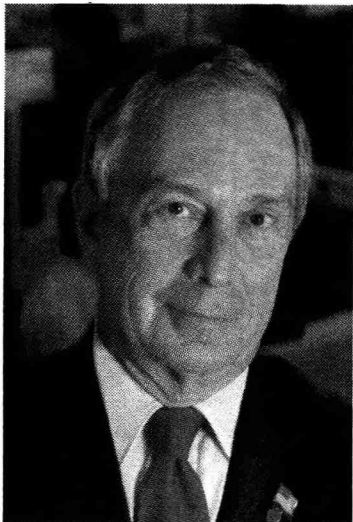
### **Even Wealthiest Got Relief**

He was referring to Mr. Cuomo's income-tax restructuring in December, in which a "millionaires-tax" surcharge on wealthy taxpayers that expired at the end of the month was replaced by a tax cut for many high-earners while the wealthiest are now paying an additional tax that is slightly less than the surcharge.

Harry Nespoli, president of the Uniformed Sanitationmen's Association and chair of the Municipal Labor Committee, was quoted in a newsletter put out by the City & State newspaper as warning Mr. Cuomo against a government shutdown. "What's he going to accomplish?" Mr. Nespoli asked. "What's the Governor going to do after he shuts down the government? It's like the union side saying, 'F--- yeah, we're going on strike.' What do you do after that? Because you've got to have a plan."



**GUMBY: A more-flexible gubernatorial side?**



**MAYOR BLOOMBERG: Understands need for practicality.**



**E.J. McMAHON: 'Cuomo can't have it both ways.'**



**HARRY NESPOLI: Stop with the shutdown threats.**

## Top AFSCME Official Saunders to Seek Its Presidency in June

By DAVID SIMS

American Federation of State, County and Municipal Employees Secretary-Treasurer Lee Saunders announced his candidacy for president of the international union Feb. 29, seeking to replace his mentor Gerald McEntee, who has headed AFSCME for 30 years and announced his pending retirement last year.

Mr. Saunders, who has served as secretary-treasurer since June 2010, announced his candidacy in Columbus, Ohio, where he worked for Ohio Employment Services before getting involved with AFSCME. He would be the first African-American president of the union.

### A Rematch With CSEA Leader

He will face a re-match with Civil Service Employees Association President Danny Donohue, whom he narrowly defeated to become secretary-treasurer. Mr. McEntee has already declared that he will endorse Mr. Saunders's candidacy; Mr. Donohue enjoys the support of former Secretary-Treasurer William Lucy.

Mr. Saunders served as Mr. McEntee's executive assistant for many years, and also led District Council 37 from 1998 to 2002 while it was under AFSCME administratorship following a major corruption scandal. But in his election announcement, he spoke mostly about his upbringing in Ohio and AFSCME's recent work combating anti-union laws in states like Ohio, Wisconsin and Indiana.

Mr. Saunders was elected months before the 2010 elections ushered in several Republican governors who quickly advanced legislation limiting collective bargaining for state employees.

AFSCME has been a major player in campaigns against those laws, and succeeded in forcing a public referendum on Ohio's controversial "SB5" initiative, which was roundly rejected by voters. Wisconsin Governor Scott Walker is facing a recall election after signing a bill limiting the bargaining rights of all public workers except cops and firefighters; AFSCME represents most of those affected besides Teachers.

### 'Stood Up to Brutal Attacks'

"Even as we have faced the most brutal attacks of our lifetimes, as we've stood toe-to-toe with the most mean-spirited and hypocritical politicians, we remained united, we remained strong," Mr. Saunders said. "Because of our activism, because of

(Continued on Page 9)

our militancy, because of our commitment, they tried but they failed.

"We are making Governor Walker and his legislative cronies wish they'd never even thought of attacking collective bargaining," he added. "We have not won all of our fights, but we have beaten the odds."

He said that if elected AFSCME president, he would continue to modernize its approach to fighting such anti-union efforts. "We're knocking on doors and spreading the word, and we're being smart," he said. "We invested in new technology and social media, and we changed the story."

Mr. Donohue said in a phone interview that the difference between him and Mr. Saunders was fundamentally unchanged from their contest in 2010, and that he had long pushed for more focus on state governments.

"Two years ago when we were in Boston [at the AFSCME convention], my argument was, Washington's important, but you can't lose sight of the statehouse, the counties," he said in a phone interview. "I think that he's saying the right things. The question is, have we really been doing the right things?"

### Too Slow to React Locally?

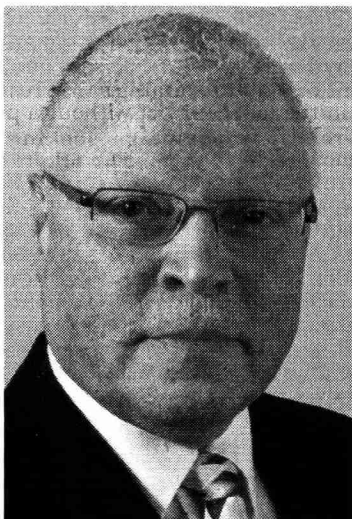
Mr. Donohue argued that AFSCME had been somewhat asleep at the wheel in local races. "I think the union has to be more involved in those local situations before they become monumental, such as in Wisconsin. We have to be working with Democrats and Republicans on the local level," he said.

"We need to make sure the Governors there understand us. We have different priorities. The international tends to look at Washington as the end of the world. We have to be involved and out there, but we also have to win the Governors' races, the Mayors' races."

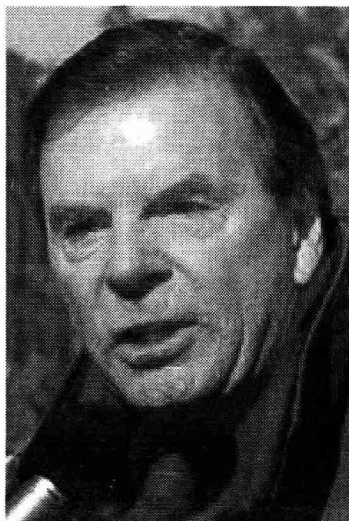
He argued that Mr. Saunders, given his background, could not present himself as the best option for that kind of campaign. "He's been working with Gerry McEntee for 15-20 years, and as secretary-treasurer he's continuing what Gerry's been doing," he said.



“It’s really not in the best interests of AFSCME to have a secretary-treasurer who’s the protégé of the president,” he continued. “You have to bring new ideas, you have to be creative. It’s a team, not one individual.”



**LEE SAUNDERS: Bids to succeed longtime boss.**



**GERALD McENTEE: Stepping down after 30 years.**



**DANNY DONOHUE: Running as ‘local’ outsider.**



## STATE

# Making a play for the national stage

CSEA's Danny Donohue wants to lead the American Federation of State, County and Municipal Employees' union./ **A3**



## EXCLUSIVE

# Donohue trying to go national

CSEA president plans to run for AFSCME's top post

By Rick Karlin

ALBANY — He's hinted at it previously, and he took a run at the union's No. 2 spot in 2010. Now Danny Donohue is making official his bid for president of the American Federation of State, County and Municipal Employees national union.

"I bring something totally different to AFSCME: I'm a rank-and-filer," said Donohue, who currently serves as president of the Civil Service Employees Association. That 300,000-member union, which represents blue-collar state as well as municipal workers, is part of AFSCME, which has 1.6 million members nationwide.

At AFSCME's June convention, Donohue will face Lee Saunders, who beat him to win the position of AFSCME secretary-treasurer two years ago.

Saunders is closely allied with retiring longtime AFSCME President Gerry McEntee.

CSEA is AFSCME's largest component union, but the upcoming contest represents more than a geographic fight with a New York leader challenging someone from AFSCME's Washington headquarters.

There has been debate within AFSCME — and other national unions — over whether to keep the focus on activism in national politics and their close allegiance with the Democratic Party, or spend more time working the localities.

"I want to move our strength to local government elections," Donohue said, explaining that local decisions can have as much impact on unions as those made at the state and federal levels.

Donohue, who began his career in 1965 as an attendant at Central Islip Psychiatric Center, became the local president there in 1975, moving to a post as executive vice president at CSEA in 1988. He has served as president of the union since 1994.

Last summer, Donohue negotiated a new

contract for state workers that, while foregoing raises for three years, avoided mass layoffs.

More recently, he has been one of the main opponents to Gov. Andrew Cuomo's call for a new and less-generous pension plan for future employees.

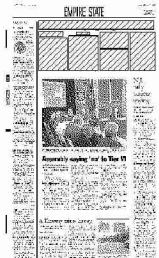
If Donohue wins the AFSCME vote, CSEA's Executive Vice President Mary Sullivan would take over as its president.

► [rkarlin@timesunion.com](mailto:rkarlin@timesunion.com) ■ 518-454-5758 ■  
@RickKarlinTU



TIMES UNION ARCHIVE

**CSEA PRESIDENT** Danny Donohue describes himself as a "rank-and-filer" who'd like to focus union strength on local elections.



# Union head blasts city after demotions

## Mooney: 'Show some respect'

By ANTHONY RIFILATO

arfilato@lherald.com

Long Beach Civil Service Employees Association President John Mooney criticized members of the City Council and administration at Tuesday's council meeting after 14 city workers were demoted and two were fired.

Mooney, backed by more than 200 union members who stomped and shouted in support, blasted the administration, saying that City Manager Jack Schnirman stripped 14 union members of grade changes and promotions given last year, amid a fiscal crisis. "I want you all to know that the CSEA was unaware that the city was in any financial straits," Mooney said. "We were just as surprised as anyone with the December payroll."

On Feb. 16, the city rescinded what Schnirman said were the "unbudgeted" promotions of 14 employees made shortly before the previous administration left office. Schnirman said that the employees in question are now receiving their previous salaries, and that the move saved the city \$52,000, not including overtime.

At the meeting, Mooney asked the See **SCHNIRMAN**, page 18 administration and council to explain how the city hired a new comptroller, at \$15,000 more than the previous comptroller's salary; a secretary, at \$5,000 more; and a deputy city clerk, at \$23,000 more, among others. "These totals of unbudgeted expenses that you guys approved were close to \$100,000," Mooney said. "That is double the amount of the grade changes and promotions that were rescinded."

He also claimed that Schnirman let two union members go without any union representation, saying, "That is a disgrace. These

members should be treated with respect. Maybe from Brookhaven, that's how you do it. That's not how we do it in Long Beach."

Mooney said that the CSEA had filed a grievance with the city on Feb. 14, when it learned that the city was going to make the grade changes. He also said that, contrary to Schnirman's claims, the promotions were properly budgeted. Most of the promotions were approved in August, Mooney said, months before the previous administration left office, by a committee made up of union representatives, former City Manager Charles Theofan and others.

Before the meeting, Mooney said that the grievance was filed because the promotions fall under the collective bargaining agreement with the city. An arbitrator will ultimately review the case, he said.

"The city still has to honor the contractual obligations, even if some of the grade changes weren't properly budgeted for by the previous administration," Mooney said, adding that he was disappointed with the way Schnirman handled the demotions. "We understand the economy is bad everywhere, however, you have to treat your workers with respect and dignity. The people who got demoted weren't even informed by the city manager or in writing — they were only told by the union, and in my opinion, the city manager should have called them up and told them. It's about treating employees with dignity. If you [get] bad news, you want to hear it from your leader and your boss."

But Schnirman maintained after the meeting that the previous administration awarded the grade changes and promotions in August and again in December, and that it was aware that they were unaffordable.

"The real question is why were these unbudgeted, unaffordable raises and promotions done during a fiscal crisis at the eleventh hour by an administration on its way out the door," he said. "I don't know who this



phantom committee was and why we never heard of them before, but it is unfair to have given city workers false promotions that the previous administration knew would have to be rescinded.”

Schnirman also disputed claims that the demotions were handled inappropriately, saying that the city did not have a contractual obligation to honor the pay raises. “They were actually grieved before they happened,” he said. “Because we’ve had a good relationship, I informed the union before I made the move. We have a weekly meeting every Friday at 11 a.m., where we informed the CSEA president of our intention to do this. We consulted several times with corporation counsel before making changes and eliminating positions, as we always do, and all were done properly.”

Schnirman acknowledged that two employees have been let go — and insiders say they included Mary Giambalvo, who handled public relations — but he added that one position, which he did not specify, was provisional, while the other — a service assistant — was eliminated. He said that it is only “during matters of internal discipline” that a union representative is present and that both layoffs were handled properly.

Schnirman also disputed Mooney’s claim that recent hires, such as that of Comptroller Jeff Nogid, have cost the city \$100,000, adding that not all new employees are receiving

higher salaries than past administrators. “As of today, on the management side, the city is spending \$250,095 less on management employees,” he said.

Before the meeting, Republican Councilman John McLaughlin said that he believed an arbitrator would make a fair decision, but he agreed with Mooney that the previous administration did not issue the promotions at the last minute, and he pointed out that several paid firefighters who were promoted late last year have not been demoted.

Democratic Councilman Mike Fagen — who criticized the previous administration for awarding what he called unbudgeted grade changes and promotions following Tropical Storm Irene, saying that city officials knew they were unaffordable — apologized to Mooney.

“I’d like you to know that I apologize,” Fagen said. “I feel that this union has been mistreated by the administration so far. I do believe that the union deserves better. Moving forward, there’s going to be some really tough decisions for this administration over the next month. We can’t forget, no matter what, we’re still neighbors. Even during the tough times, fair treatment, equality and how we dispense funds and how we make the tough decisions are important. I think it’s important that this administration understands that when those tough decisions come, that this union be treated fairly.”



Anthony Rifilato/Herald

**CSEA PRESIDENT** John Mooney criticized the City Council at Tuesday’s meeting after 14 union employees were demoted last month.

## Vote On Sale Of Home Health Agency Tabled

By MARTHA ELLEN

CANTON — Moved by emotional appeals from Public Health employees and hampered by inadequate information, the St. Lawrence County Board of Legislators put off a decision Monday on whether to keep its Certified Home Health Agency and Long-Term Home Health Care Program.

"Take a ride with me and see these people. Do you understand this affects your moms, your dads? Come on," said Rochele Pratt, who has worked for the county for more than 12 years. "Can you sit here and make that choice without doing that? Would that make a difference to any of you?"

Ms. Pratt, one of more than 50 county employees, patients and representatives of health care agencies at the meeting, said she started working for the county so she could care about her patients.

"It means something and it should mean something to you guys," she said. "Sometimes it's not about the money. Sometimes it's about doing the things that are right."

Amy J. Simmons, president of Civil Service Employees Association, said union members have bent over backwards to help the county with its fiscal problems only to find legislators preparing to lay off about 30 employees.

CSEA has supported the county in its bid for a sales tax increase, worked with department heads on employee transfers, agreed to a 10 percent employee contribution for single health insurance premiums, then watched the number of county employees shrink by more than 100 over the last two years while legislators buy a \$700,000 software system.

"This was definitely a want thing, not a need thing. Now we hear you want to pay for a space study. Seriously?" she said. "Unlike a computer program, you need us. We have spent the last year supporting you and I feel we have gotten nothing in return. I think it's time to ask you to give us a little respect and keep all of our members working."

A task force recommended the county sell its home health

agencies for \$80,000 to Northern Lights, a newly formed group made up of Claxton-Hepburn Medical Center, Canton-Potsdam Hospital, Hospice and Palliative Care of St. Lawrence Valley, and United Helpers Management Co., which would serve as project manager.

Some legislators said they lacked the information to know whether the county will be better off keeping the services or selling them, so they will reconsider the issue at their Finance Committee meeting March 26 which will be followed by a special meeting of the entire Legislature.

Legislator Frederick S. Morrill, D-DeKalb Junction, said the county's decision not to replace Public Health nurses as they left hurt referrals and revenues.

"We intentionally put the CHHA into a death spiral," he said.

Administrator Karen M. St. Hilaire said there was no conspiracy to slowly bleed out the services.

"We would never do anything to destroy the CHHA and I take offense at that," she said.



## WCCH announces layoffs, job cuts

By Matt Surtel

msurtel@batavianews.com

WARSAW — A total of 23 people are being laid off as the Wyoming County Community Health System tries to halt financial losses.

The staff reductions were announced Monday. They'll be among 31 positions eliminated, including eight unfilled.

"The work force reductions are necessary in light of declining revenues in order to keep WCCHS financially viable to provide the community and its patients with the health care services they need," said Chief Executive Officer Donald Eichenauer in a news release.

The cutbacks arrived amid the facility's ongoing fiscal stresses.

The hospital lost \$10,000 per day in February, said Chairman Douglas Berwanger of the Wyoming County Board of Supervisors.

"In order to break even, we need to collect about \$135,000 per day," he said. "Right now we're collecting about an average about \$125,000 per day."

That adds up to a potential \$3.65 million loss this year if the losses continue, he said. Berwanger cited a low patient census; decreased Medicaid reimbursements; and increasing state retirement costs.

Officials at WCCHS described the layoffs as across-the-board, affecting no single department more than others. They did not provide further details.

Considerable efforts were made last year to downsize through attrition, the news release reads. Each vacated position was evaluated to determine whether it could be eliminated or reduced to part-time.

That resulted in 22 positions eliminated through attrition. But challenges remained, including the

low census in the hospital's acute

See WCCH — page A-2

care section.

"The third-floor acute care facility, in order for us to be profitable, needs to average 30 patients per day," Berwanger said. "We've averaged 18 patients per day since September, thus the reason for the \$10,000 per day loss."

"What has happened is we are staffed for 46 people," he said. "We can accommodate 46 people on the third floor and we're staffed for 46 people, and obviously we need to change that direction."

Hospitals also noted shortages of specialty physicians in certain key areas; patients delaying services due lack of insurance; and the fact people don't need to be hospitalized for as long as in the past.

"In 2011, WCCHS and its (Board of Managers) began a number of initiatives to better align community health care needs with resources," the news release reads. "The entity's mission was revised and potential affiliations with larger health care institutions are being pursued with a primary objective of addressing shortages of certain physician specialties and providing operational support to allow for financially viable expansion of key services to enable more patients to receive care locally."

Civil Service Employees Association Local 1000 declined to comment Monday afternoon.

"The county contacted CSEA late last week and we

cannot comment until we have had an opportunity to review the situation and discuss it with the CSEA Wyoming County Unit leadership and membership," said Communications Specialist Lynn Miller, at the Western Region Office in Amherst.

The WCCHS is considering affiliation options including the Catholic Health System in Buffalo, Erie County Medical Center, and Strong Memorial Hospital.

Berwanger said the partnerships would hopefully allow the hospital to increase patient access to orthopedic and urology services, which are two of its biggest revenue generators.

Without those resources, he said the hospital feels it's also missing out on the diagnosis, treatment, surgeries, and rehabilitation involved.

And the facility continues to feel financial pressure. Berwanger said its state retirement system payments increased from \$243,000 in 2001 to \$6.76 million in 2012.

The county received no Medicaid relief last year, he said. This year's total will be \$35,000.

"We're hopeful the affiliation process will provide an increase in revenues by providing these new services — hopefully orthopedics and urology, and we're hoping the staff reductions will assist in reducing the day-to-day loss," Berwanger said. "That's the stand we're



going to take right now.”

He predicted more county layoffs in general unless some kind of state mandate relief occurs. Hospital officials noted additional ongoing challenges,

Berwanger said the WCCHS layoffs are very difficult.

“We’ve known this for quite some time,” he said. “We had to study the situation. There’s been a lot of work put into identifying which positions need to be included in the staff reduction, and there’s been a committee that worked on it, and that’s where we’re at — today is the day.”

The WCCHS is the county’s largest employer, with more than 500 people.

“There have been layoffs in the hospital in the past, but it’s a difficult situation,”

Berwanger said. “We’ve prided ourselves in being able to retain the work force, but we’re still in a very difficult situation.”

Asked about the hospital’s existing financial status, officials noted the difficulties.

“The hospital made significant progress in 2011 and reduced its loss from \$6,636,000 in 2010 to a preliminary unaudited loss of \$1,050,000 in 2011 but continues to face financial challenges,” officials said in a statement. “Approximately \$4,000,000 of a loan received from the County of Wyoming in 2010 was subsequently paid back during 2011. The hospital has long-term debt related to its equipment and facilities; however, vendors amounts due remain current.”

# Nassau hospital sacks 25

BY RIDGELY OCHS  
ridgely.ochs@newsday.com

Nassau University Medical Center on Friday laid off 25 nurses or nurses aides and offered another 12 nurses part-time positions as part of an ongoing effort to close a projected \$50-million budget gap.

The layoffs came three months after the East Meadow hospital laid off 175 employees to plug a shortfall in its \$533-million budget.

The hospital and its associated facilities said the gap was caused by rising pension costs, lower Medicaid payments and higher operating costs.

"This is the final phase of the November downsizing," hospital spokeswoman Shelley Lotenberg said. No additional layoffs are planned, she said.

Lotenberg said the 25 nurses or nurses aides being let go had worked in the hospital's outpatient clinics.

The clinics have been consolidated "to be consis-

tent with patient volumes and for increased clinical productivity. No clinic specialties have been eliminated," she said.

The 12 employees offered part-time positions — including registered nurses and licensed practical nurses — were also from the hospital clinics.

In addition, 40 employees from around the hospital — including nurses, clinicians, clerical workers, techs and executives — had accepted early retirement packages last month. Each received up to a maximum of \$20,000, based on salary and seniority, Lotenberg said.

That reduces the number of employees to 3,550 now at NuHealth/Nassau Health Care Corporation. The public benefit corporation includes NUMC, A. Holly Patterson Extended Care Facility and five community health care centers.

"I think we're witnessing the dismantling of our public hospital," said Jerry

Laricchiuta, president of the Civil Services Employees Association, which has been locked in a contract dispute with the corporation since 2009 when the contract expired.

"It's like watching a slow-motion movie. He's just going to keep cutting," Laricchiuta said, referring to Arthur Gianelli, chief executive of NuHealth.

After the layoffs in November, Gianelli had said the corporation still had a \$5.5-million budget deficit. Those funds would have to come from union concessions or further layoffs, he said at the time.

But Laricchiuta said the union couldn't make concessions without a contract. "I can't open up a contract with him if we don't have a contract," he said Friday.

In a statement Friday, Gianelli replied that under the state's Triborough Amendment to the Taylor Law, which prohibits a public employer from altering provisions of an expired labor contract until a new agreement is reached, "the terms of the contract are in full force and effect and the CSEA could have made any number of concessions to offset, at least in part, layoffs due to the staggering increase in pension costs. The CSEA elected to make no concessions."





## LONG BEACH

# Union grieves city's promotion reversals

BY CANDICE RUUD

[candice.ruud@newsday.com](mailto:candice.ruud@newsday.com)

Long Beach's largest union has filed a grievance with the city after more than a dozen employee promotions awarded last year were reversed, said local Civil Services Employee Association president John Mooney.

The unbudgeted pay raises given to 14 CSEA employees were issued just before the prior administration left office at the end of December and would have cost the city more than \$52,000 per year, City Manager Jack Schnirman said.

"The previous administration ran out of cash at the very same moment they were handing out unbudgeted rewards in a very cynical manner, putting the city's workers in a bad position," Schnirman said. With Long Beach in a fiscal crisis, he said the city will take an "across-the-board approach to cost savings" and continue to scrutinize "last-minute unbudgeted raises and promotions."

Mooney called it "a slap in the face," saying the promotion reversals destroyed the morale of many union workers who "go above and beyond."

"It's more about respect than anything," he said, adding that the CSEA is the city's lowest-paid workforce. "Nobody likes bad news. The economy is screwed up all over the country, but at the end of the

day you'd like to hear from the person in charge, 'Look, this isn't personal,' but to me it doesn't look that way."

The move seems political, he added, because the CSEA endorsed local Republicans before the November election. The GOP lost, and now a Democratic City Council is in power.

Schnirman rebuffed that claim. "'Political' would be handing out selected rewards at the 11th hour," he said. "Here's the real question, and it remains unanswered: Why were these unbudgeted, unaffordable raises and promotions done during a fiscal crisis at the 11th hour of an administration on its way out the door?"

Former City Manager Charles Theofan did not return a call for comment.

Mooney said he was notified Feb. 10 of the promotion reversals — actually changes in job grades — and the CSEA filed a grievance four days later.

But, he added, the city and the union are still working well together on other issues, such as a recently announced early retirement incentive being offered to 52 CSEA members.

"I appreciate they're doing it," Mooney said after a meeting with Schnirman about the incentive. "It's a good thing for the city and for the workers."



# Leaders: Pension situation dire

**JOSEPH SPECTOR**

Albany bureau chief

ALBANY — Mayors and county executives from across New York warned Wednesday that local governments face a dire fiscal picture if the state doesn't lower growing pension costs.

Monroe County Executive Maggie Brooks said local governments could face bankruptcy without pension reform. New York City Mayor Michael Bloomberg said more city money goes to retirees' pensions than police, fire and sanitation services combined.

"The alternative here is going to be more people losing their jobs, fewer people being hired in local government and services declining," said White

Plains Mayor Thomas Roach.

According to the state Labor Department, there were 84,100 government jobs in December in the Rochester metropolitan statistical area, the latest figure available.

The local leaders have formed the group, New York Leaders for Pension Reform, and held a news conference near the Capitol to back Gov. Andrew

Cuomo's proposal for a new pension tier for new public employees.

Public employees unions are opposing Cuomo's push, arguing that a new pension tier was implemented just two years ago. They said a new pension tier would be another assault on the middle class and have no short-term benefit to governments. Unions last year agreed to pay freezes and furloughs.

"Wall Street nearly melted down the economy and got bailed out, but future nurses, teachers, highway workers and school bus drivers are supposed to give up hope of retirement security," said Stephen Madarasz, spokesman for the Civil Service Employees Association,

See REFORM, Page 6B

## ONLINE EXTRA

Click on this story at **DemocratandChronicle.com** to see videos of Monroe County Executive Maggie Brooks and Mayor Thomas Richards in Albany.

the state's largest public-employees union with 265,000 members.

Assembly Speaker Sheldon Silver, D-Manhattan, said he would encourage mayors to discuss reform with their local unions and "see what kind of agreements they can come up with."

Silver expressed the concerns of his conference over a 401(k)-type option included in Cuomo's pension proposal.

"I'm concerned about people's abilities to do their own investing and planning for 50 or 40 or 35 years down the road," Silver said.

Cuomo has suggested that the 401(k) option is important, but perhaps not critical to a deal.

Cuomo is proposing a new Tier VI pension level that would increase contributions from 3 percent of a new employee's salary to as much as 6 percent. The retirement age would rise from 62 to 65.

"Any resolution I seek will be a resolution that brings the maximum amount of savings," Cuomo told reporters.

Pension costs have soared for state and local governments, in large part because the declines

on Wall Street have meant higher annual payments to cover retirees' costs. Local governments estimate that pension costs have increased from \$1.7 billion in 2002 to \$12.5 billion this year.

"The threat of bankruptcy hangs over every single municipal government in this state be-

cause of escalating pension costs," Brooks said. "The facts are clear, and the facts are very disturbing."

Brooks said Monroe County's pension costs would double from \$19 million in 2010 to \$40 million in 2013. By next year, Rochester's total revenue from property taxes will go to fund schools and pensions, said Mayor Thomas Richards.

Richards warned that because of the pension costs, "the quality of life will be gone long before the pensions are gone."

The growing pension expenses have prompted some municipalities to borrow off the state pension fund to cushion their

annual payments. About \$200 million was amortized this year by 162 entities that have public employees, according to the state Comptroller's Office. That's up from nearly \$44 million in 2011.

Monroe and Rockland counties each borrowed about \$8 million to pay its pension obligations this year.

Roach said borrowing to pay for pension costs is bad fiscal policy, but an indication of how serious the problem is.

"The road to hell is paved in amortizing pensions," he said. "All you are doing is taking a current operating cost and pushing it down the line."

JSPECTOR@Gannett.com



“The road to hell is paved in amortizing pensions.” You’re “taking a ... cost and pushing it down the line.”

**THOMAS ROACH**  
**WHITE PLAINS MAYOR**

# County workers evacuated

## Dangerous radon levels discovered in the basement

**Rick Miller**

Olean Times Herald

LITTLE VALLEY - More than 25 Cattaraugus County employees who work in the basement of the County Center were evacuated last week after the discovery of high levels of radon.

Employees of Emergency Services, Information Services, Probation, and Real Property Tax Services, as well as essential equipment and records, were temporarily moved to alternate locations until the radon problem is remedied and tests confirm the radioactive, colorless, tasteless gas is removed from the workplace. The Superintendent of Buildings and Grounds' basement office was also relocated.

County Administrator Jack Searles confirmed Tuesday the employees had been relocated last week, and an Erie, Pa., company that specializes in radon removal systems had been hired to remedy the problem.

It is the third county office building in Little Valley where high levels of radon have been discovered in the past two years.

Earlier, sub-slab depressurization remediation projects that involve drilling a hole in the floor of the basement and installing a reverse pressure ventilation system were installed in the Board of Elections office and the Old

Supervisor's Building.

The county was informed of the high levels of radon by the state Health Department just before the three-day President's Day weekend, Mr. Searles said. Last Tuesday, CSEA union representatives asked that the employees be relocated from the basement because of the high radon levels. Those offices were relocated by Friday.

"This is being done in concert with the union," he added.

Mr. Searles said four companies that specialize in radon mitigation were invited to visit the site and present their proposals to rid the basement of radon, which is the second leading cause of lung cancer in the U.S. It is the leading cause of lung cancer in non-smokers.

Mitigation Specialists of Erie proposed a plan to drill three holes through the basement floor into the soil below and install a sub-slab depressurization system to collect the radon gas and vent it to the outside. The initial cost is about \$12,045. If an additional hole needs to be drilled, it will cost an extra \$4,000. The County Legislature will be asked to approve a retroactive contract at its next meeting.

Mr. Searles said during the winter, radon, a byproduct of the decomposition of radium, often accumulates beneath buildings, when ventilation systems are not used as much as the heating systems.

Mr. Searles said \$10 canis-

ters available from the state Health Department were used to determine if there was a radon problem. The other buildings' high radon levels prompted someone to ask whether it was a problem at the County Center, he said.

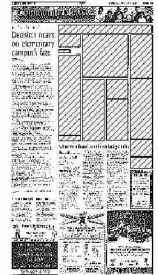
"We identified the problem and moved quickly toward a process of mitigation," Mr. Searles said. Long-term exposure poses the greatest risk, he added.

Dr. Kevin Watkins, county public health director, said the U.S. Environmental Protection Agency has set a permissible radon level of 4 picocuries per liter of air. There is no danger to the public, he said.

Mr. Searles said of the five samples taken in the County Center basement, four were above the permissible level, ranging from 23.2 picocuries to 34 picocuries. The Little Valley region is in a very-high density area for radon, he said.

The basement is empty except for those working on the remediation, which should be completed in a few weeks. It will take time to confirm that the radon is no longer present in levels of concern.

Dr. Watkins said, "It is always a concern when you have elevated levels in an office or school or the home" — especially when it involves employees or residents who face long-term exposure to high levels of between 10 and 30 years. Those who smoke are



at higher risk of getting lung cancer, he added.

Dr. Watkins said he did not think employees need to be concerned. Other floors were not tested, he said.

"Radon is pretty much confined to the basement," he explained, and there is "a low probability" that it is a problem in higher floors.

The last time the County Center's basement was tested for radon was in 1998, when the levels were all below 4 picocuries, and there was no need for remediation.

Dr. Watkins said other county buildings should be tested for radon as well.

The public health director said residents should consider testing their basements as well in light of the high levels found in the County Center.

People can contact the state Health Department's Radon Center at (800) 458-1158 ext. 27556, or (518) 402-7556 to request a radon detector. Put in place for 48 to 72 hours, the canister is mailed to the state

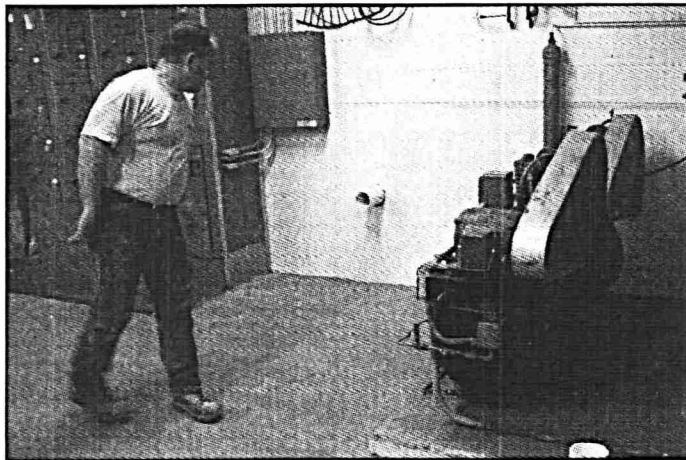
Health Department laboratory along with \$10. The homeowner is notified of the results and how they can protect themselves.

"On our website, we have a consumer's guide to radon and information on how to reduce radon levels if they are elevat-

ed," Dr. Watkins said.

The county's website is [www.cattco.org](http://www.cattco.org).

(Contact reporter Rick Miller at [rmiller@oleantimesherald.com](mailto:rmiller@oleantimesherald.com))



Rick Miller/Olean Times Herald

**Jamie Wandless of Mitigation Specialists of Erie, Pa., the company hired to mitigate high levels of radon found in the Cattaraugus County Center basement in Little Valley, checks a holes bored in the boiler room floor and wall to intercept and vent the colorless and odorless gas.**

## Village, union resolve labor issue

By Jason Emerson

The Skaneateles Village Board of Trustees and local labor union officials have resolved a longstanding dispute over what the union claimed were unfair labor practices, specifically that non-bargaining unit employees were performing work previously done by union workers who were laid off last year.

The village denied the charge and the two sides have been seeking a resolution.

The matter was scheduled for an administrative law hearing on Feb. 2, but at that meeting the village attorney and the attorney for the Civil Service Employees Association, Local 1000, were able to reach a settlement agreement. Under that agreement, the CSEA withdrew its charge in full and both parties declared there was no wrongdoing by the village.

"I am very pleased that this matter has been resolved," Mayor Marty Hubbard read from a prepared statement at the Feb. 23 village board meeting.

This was the second disagreement over the past year between the village board and the CSEA. A previous change to employee health insurance benefits went to an arbitrator

who concluded in November that the village did not violate its labor agreement.

The village board and CSEA still have yet to reach an agreement on a new labor contract to succeed the previous one that expired in May 2011.

"The village remains willing to meet with CSEA to resolve the contract on mutually agreeable terms," Hubbard said.

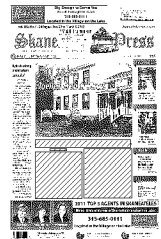
### Also at the meeting:

—The village board approved a request from St. James' Episcopal Church to hold lakeside services at 10 a.m. Sundays, beginning June 17 and ending Sept. 2, weather permitting, in Thayer Park.

—The village board verified and approved information concerning the March 20 village elections, approved the candidates' names and authorized publication of the information in the newspaper.

—The village board approved a request from Red House Arts Center to present the William Shakespeare play "The Tempest" at 2 p.m. Sunday, June 17 in Clift Park.

—The village board authorized the re-hiring of Heather Lolito as a part-time village police officer.



## Hearings sought on hospitals' ties

BY OLIVIA WINSLOW

*olivia.winslow@newsday.com*

A Nassau employees union wants the county legislature to conduct hearings into Nassau University Medical Center's ties to North Shore-LIJ Health System because of fears the relationship could spell the end of the county's lone public hospital.

The Civil Service Employee Association launched a radio ad campaign three weeks ago to push for hearings by the Nassau legislature.

"We're trying to alert the public. The bottom line is, although we have a lot of respect for North Shore . . . what I do not want to see one day is North Shore's logo on the side of [NUMC's] building," said Jerry Laricchiuta, president of CSEA Local 830, which represents 3,400 workers at the hospital.

Laricchiuta said he wants hearings because of concerns Arthur Gianelli, president and chief executive of NuHealth,

which includes NUMC, would "deliver this hospital to a huge conglomerate."

Gianelli said Laricchiuta's fears were outdated and didn't recognize the need for health institutions to collaborate to achieve cost savings, improve patient care and to respond to new rules from the health care reform act.

"The whole world is doing this," he said. "The CSEA has an Atari attitude in an iPod world. Either we keep up with the times, or we'll be left behind."

Gianelli said the affiliation between the two medical institutions — which began in 2005 and has been extended through June — as well as a recent application to the state to create a limited liability corporation and joint partnership, would not result in North Shore taking over NUMC or assuming its assets or liabilities.

Gianelli noted — and legisla-

tive representatives confirmed — the legislature has no role in deciding the hospitals' collaboration, but Laricchiuta argued the legislature could still conduct hearings on behalf of the public.

The ad says in part: "If North Shore eventually takes over, will NUMC remain a public hospital that serves us all?"

Brian Mulligan, a spokesman for North Shore-LIJ, said the goal is to "elevate the quality of care at NUMC and achieve cost savings and ensure the hospital's long-term viability."

Laricchiuta also criticized the hospital's board of directors for allegedly making decisions behind closed doors, a charge Gianelli vehemently denied, saying the board operated with transparency. Both Gianelli and Laricchiuta noted they have talked about the hospitals' collaboration during union negotiations.



## Calls 401(k)s Too Risky

# DiNapoli Sparks a War Of Words on Pensions

By MARK TOOR

The war over Governor Cuomo's Tier 6 pension proposal turned into the battle of the press releases last week, as supporters of the penurious plan attacked State Comptroller Thomas P. DiNapoli for statements he made opposing its inclusion of 401(k)s, and Mr. DiNapoli's labor defenders fired back.

Mr. Cuomo threw fuel on the fire during a Feb. 16 radio interview, calling Mr. DiNapoli's stance "indefensible" and claiming "it argues the positions of the labor unions at the expense of the taxpayer and the citizen."

The Comptroller, who is considered a friend of public-employee unions and enjoys their strong support, has said the current defined-benefit pension system remains appropriate and affordable. His position all along has been that the pension plan is fully funded and that 401(k)s, which are proposed in the Tier 6 initiative as an alternative to a reduced defined-benefit option, are too risky because they are subject to stock-market fluctuations.

### Lost Years of Growth

The accounts, which cover a growing number of private-sector employees, lost much of their value after the 2008 recession began and only now are regaining their value.

The Tier 6 proposal would change the defined-benefit plan by wiping out early retirement; raising required employee contributions and increasing them even further when a declining stock market reduces investment returns; excluding overtime from final-average-salary calculations; stretching the final-average-salary period from three to five years, and reducing the multiplier used to work out pension payments by 17 percent.

Tier 6 would cover future state and city workers but would not affect current employees.

In proposing it when he released his budget last month, Mr. Cuomo said the state simply could not afford the current pension plans—not even Tier 5, which took effect just two years ago and carries its own reductions. His program would save \$113 billion over the next 30 years, he said, although most of the savings would not be realized

until at least 20 years down the road. The Comptroller repeated his long-

(Continued on Page 9)

standing opposition to 401(k)s during a legislative hearing on the budget Feb. 7, saying the new pension plan would "reduce retirement security for future workers." He repeated that concern in his analysis of Mr. Cuomo's budget, released the same day. The analysis also said his actuaries estimated that it would cost the state between \$7 million and \$16 million to set up Tier 6, plus additional costs for localities.

### 'False' Attacks on Pensions

"Coordinated, sustained attacks by anti-pension advocates have falsely cast public pensions as costly, unsustainable giveaways that are bankrupting states and localities," he said in a press briefing Jan. 19. Because the pension fund lost \$40 billion at the beginning of the recession, the state and localities are required to pay more temporarily to make up for it. But Mr. DiNapoli said Tier 6 would have no effect on those payments.

The hits from business groups began piling up at the beginning of last week. Brian Sampson, executive director of Unshackle Upstate, also attacked Binghamton Mayor Matthew Ryan, who wrote in an op-ed piece, "Even if a 401(k) plan were optional, it would be dangerous for our retirees, both economically and morally... Using a 401(k) in place of a defined-benefit pension would undercut the financial security that our workers deserve."

"A good friend of mine summed it up nicely," Mr. Sampson said. "He said, 'Perhaps Mayor Ryan and Comptroller DiNapoli should focus on what the voters and taxpayers are saying, and according to the recent Siena College poll, an overwhelming majority of voters, including union households, support Tier 6. They'd rather subject the taxpayers of New York State to the volatility of the stock market than back a reasonable plan that begins to lessen the risks assumed by the taxpayers. Someone should point that out the next time they are up for re-election.'"

### 'Long-Overdue Relief'





An op-ed piece by Heather Briccetti, president of the Business Council of New York, was more measured: "The commonsense proposal for a Tier 6 retirement system... would provide long-overdue relief to business owners, taxpayers, school districts and municipalities across the state by saving a hefty \$123 billion over the next 30 years... The opportunity to enroll in a 401(k)-style retirement account would also be a new option available to new employees, providing them with 'portable' benefits if they change careers."

But Mike Durant, New York State director for the National Federation of Independent Businesses, raised the temperature again: "The Comptroller's continuous attack on the proposed Tier 6 provision fails the smell test. Comptroller DiNapoli is supposed to be looking out for the fiscal health of the state, and the key to preserving our financial security is reforming our pension system, not kowtowing to special interests for personal political gains."

The unions fired back almost immediately.

"DiNapoli has raised legitimate concerns that a 401(k)-style pension option will lead to greater economic instability," said Civil Service Employees Association President Danny Donohue. "Once again the corporate interests and the 1 percent are at it trying to demonize anyone who stands up for fairness and consideration of what's right."

#### 401(k)s a 'Wall Street Windfall'

"We've all seen enough damage to retirement security tied to 401(k) plans," he added. He noted that historically 83 percent of the pension dollar has come from investments, not taxpayers, and that "Wall Street stands to make a windfall on administrative fees if Tier 6 is enacted." 401(k)s carry such fees.

"The millionaires and lobbyists who want to take away the hope of a secure retirement from hard-working nurses, firefighters, teachers and other workers should be ashamed," said Ken Brynien, president of the Public Employees Federation. He said the average pension in the state retirement system is \$19,151 per year. When Tier 5 was adopted, the state projected that it would save state and local governments more than \$35 billion over 20 years, he said, adding, "We don't need a Tier 6 to cut pension costs, we just need to let Tier 5 work."

#### 'Standing Up for Workers'

Mario Cilento, president of the State AFL-CIO, said, "401(k)s simply do not provide workers with the predictability and reliability of a defined-

benefit pension, and on their own are not a viable option to allow workers to retire with dignity. The Comptroller should be commended for his courage in standing up for working men and women, rather than criticized by those who simply want to accelerate the race to the bottom."

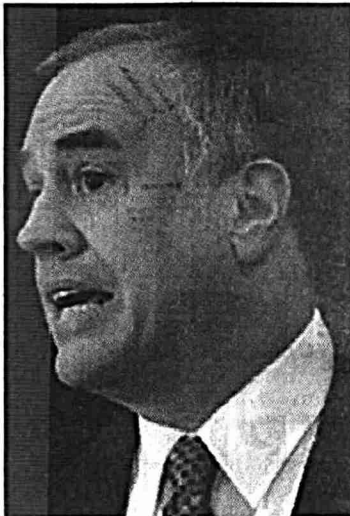
Mr. DiNapoli issued a statement replying to the business-community criticism of his stance by saying, "I haven't seen such a coordinated attack since Francesca was voted off 'Survivor.' I stand firmly behind my position that defined-contribution [401(k)] plans are not adequate for retirement security for public or private workers. Study after study has shown that defined-benefit plans cost less in the long run than 401(k)-style plans and perform better. It is unconscionable that so many New Yorkers and Americans do not have a secure retirement, oftentimes because corporations have stripped retirement plans for short-term fiscal gains."



**DANNY DONOHUE: 'Corporate interests demonizing.'**



**KENNETH BRYNIEN: Try letting Tier 5 work.**



**TOM DiNAPOLI: Jousts with 'anti-pension advocates.'**

## PEF slate to seek ouster of leaders

Union Proud group cites dissatisfaction with contract givebacks

By Jimmy Vielkind

ALBANY — A group of state workers is moving to challenge Public Employees Federation President Ken Brynien in an election later this spring, the Times Union has learned.

Attacking Brynien's handling of contract negotiations last year, Susan Kent led other members of a group called "Union Proud" in glad-handing at last weekend's meeting of the Association of Black and Puerto Rican Legislators.

Union Proud has launched a website and is planning a campaign event next week in Troy. Kent declined to be interviewed, citing a predetermined campaign plan. She is an employee of the State Education Department, as is Carlos Garcia, the group's candidate for secretary-treasurer.

Brynien also declined comment, saying he was busy working on the union's advocacy efforts surrounding the 2012-13 state budget. PEF has joined with other labor unions to push back on Gov. Andrew Cuomo's proposal to include a new pension tier in his budget. A spending plan is due April 1.

But the Union Proud website contains a founding statement that is critical of Brynien's stewardship, saying he "urged members to capitulate to the governor's demands for givebacks" during contract negotiations last year. Brynien and his team reached agreement on a tentative contract with state leaders that was initially rejected by rank-and-file PEF members. A renegotiated deal was ratified in November.

The Union Proud site says PEF's leaders "hastily repackaged

the deal with minor changes, and some more concessions." Brynien, in a video message urging passage of the new agreement, said in October that it repaid furlough days and shortened the contract to a four-year term, which will shift the negotiating calendar so PEF's next bargaining session would begin before the Civil Service Employees Association, a larger state worker union that agreed to a five-year deal.

"These are some of many changes PEF members asked to bring them with this revised agreement," Brynien said at the time.

Kent's team must gather petition signatures from 10 percent of PEF's roughly 54,000 members to force an election. The process begins in late March. Balloting occurs in June.



## Donohue and Team Given New Terms At Top of CSEA

By MARK TOOR

Danny Donohue, president of the Civil Service Association since 1994, has been returned to office without opposition for another four-year term, the union announced Feb. 15. His leadership team will remain intact, overcoming any hard feelings about a giveback-laden contract the union agreed to last summer to avoid thousands of layoffs.

Executive Vice President Mary E. Sullivan and statewide Secretary Denise Berkley were also returned to office without opposition. Treasurer Joseph McMullen was re-elected.

Lester Crockett, a longtime activist

(Continued on Page 7)

and leader from the New York State Insurance Fund, was elected Metropolitan Region president. Mr. Crockett had filled the position since last fall following the retirement of George Boncoraglio.

Capital Region President Kathy Garrison was re-elected to her fourth term. Long Island Region President Nick LaMorte, Southern Region President Billy Riccaldo, Central Region leader Colleen Wheaton and Western Region head Flo Tripi were all returned to office without opposition.

### Started as Psych Attendant

Mr. Donohue, who was born in Brooklyn, worked as an attendant at Central Islip Psychiatric Center on

Long Island and in 1975 won a write-in campaign to become local president there. He became president of the Long Island region, then executive vice president of the statewide union in 1988.

"These are some of the toughest times CSEA has faced in our 102-year history, but there is only one way to go and that is forward," Mr. Donohue said. "I want to thank CSEA members for their confidence in my leadership."

It is expected that in June he will seek the presidency of the CSEA's national union, the American Federation of State, County and Municipal Employees.

CSEA is the largest state-employees union and has 300,000 members statewide.



**DANNY DONOHUE: Contract wasn't a career-killer.**



# Schoharie County Seeks Agency To Investigate Conditions In The Workplace

By Erika Eklund  
 Mountain Eagle Staff

**SCHOHARIE** - An evaluation and inquiry into allegations county employees are facing fear and intimidation in the workplace and are discouraged from filing grievances or going above department heads could soon be underway in Schoharie County. Members of the Schoharie County Board of Supervisors voted in favor of advertising for an outside entity to conduct the evaluation during their regular monthly meeting in Schoharie last Friday.

Former Schoharie County Health Educator Penny Grimes, who was one of numerous county employees laid off in December during the 2012 county budget process, took privilege of the floor to ask questions and share several concerns with board members. She thanked those supervisors, county officials and department heads who she said demonstrated compassion and concern for employees during the budget process and showed a true concern for them.

Grimes asked the board to first consider what their role is and who they work for, saying in her seven plus years as public health educator, she never forgot she worked for the people of Schoharie County. She then asked supervisors if they have oversight of department heads and how many of them, upon learning of allegations within the health department, had gone in to see, first hand, how employees were being treated and what was really going on.

Grimes later explained during periods of her employment with the county she had felt extremely bullied and targeted by a superior and felt she was discouraged from filing formal complaints for fear of losing her job. While Grimes said she could only speak for herself, she believed other county employees faced similar challenges.

"I encourage every county employee from here on out to speak up," Grimes said during the meeting. "Don't be like I was; too intimidated and too afraid to file a grievance."

Schoharie Supervisor Gene Milone said he only recently became a member of the board, but as a former council member of the Schoharie Town Board, had concern over what was going on in county departments and had previously requested an investigation into allegations. He said his request was never acted upon.

After hearing the statements made by Grimes, Milone said the need for an inquiry remained in the county. "I would like to know where this fear is generated from and who might be involved," said Milone. "There needs to be serious concern with regard to workplaces, particularly those overseen by this board of supervisors. There needs to be an investigation into these allegations, even at the level of this board."

Blenheim Supervisor Robert Mann said he agreed it was time the board had a good understanding of employee relations in the county and

encouraged any potential inquiry to be a larger assessment of the overall culture which exists between employees and their superiors in all county departments and not just focused on specific allegations.

Jefferson Supervisor Dan Singletary said he was opposed to any potential large scale inquiry and the role it could play in undermining the ability of employees to choose their own advocates. "I believe an inquiry on this scale undermines the role of the union," said Singletary. "As personnel chairman it never came to our awareness there is a problem in this county and the union has stood very tall in the past."

**CSEA** Union President Barbara Schaffer said she agreed with Singletary to a point, but had seen situations in the past where county employees were asked if they wanted to file a grievance because of the way they were treated and said no because of fear of losing their jobs.

"I understand I can be suspect by nature," said Milone. "But I believe it is imperative the board do some soul searching on how you vote on this issue. We are duty bound and owe it to our county employees to put this to sleep once and for all."

Supervisors voted in favor of a motion to advertise for a Request for Proposals (RFPs) for services to come in and do an evaluation and inquiry into allegations. Singletary was the single vote opposed to the motion.



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# Keep young offenders near home?

## Mixed reactions greet Cuomo plan for juvenile lawbreakers

by **Eddie Small**  
*The New York World*

Two of Euphemia Adams' sons have been through New York City's juvenile justice system. Based on the nature of the boys' charges, which included assault and robbery, both were placed in facilities upstate — well over 100 miles from their home in Staten Island.

"I had to take the bus to the ferry, ferry to the train, and then I went to Metro North and had to take another train up to visit," their mother recalled recently. "When the kids are upstate, it takes more time to get to visit them than you have to actually be with them."

One of her sons made it out and is now a stay-at-home dad with two children of his own. Another ended up heading back into crime, and to adult prison. Adams can't help but wonder: had the second son been housed in a facility closer to home, would he have had a much better chance at rehabilitation?

New York State appears set to embark on an experiment to find out. Following years in which New York City's juvenile offenders were sent upstate for rehabilitation, only to fall back into crime, Gov. Cuomo's executive budget for fiscal year 2013 includes a proposal to keep New York City's young detainees near their families. If approved by the Legislature, the governor's plan would give the city the authority to stop sending juvenile offenders upstate, as long as the courts determine they don't need to be placed in a secure facility.

For years, the recidivism rate among the city's juveniles has

vexed the agencies and advocates that try to help them. Approximately 350 young city residents at any time are detained in facilities operated by the New York State Office of Children and Family Services, the majority of them located upstate, in towns where the facilities serve as important sources of employment.

As the city seeks nonprofit organizations to run non-secure facilities in the five boroughs, unions representing workers at the state-run facilities are pushing back. They contend the city is not in a position to provide either the services or security that sent juveniles offenders hundreds of miles from home in the first place.

Members of two of the state's labor unions — the Civil Service Employees Association and the Public Employees Federation — say the Cuomo plan, known as Close to Home, suffers from lack of clear strategy. Together, the unions represent approximately 5,000 OCFS employees, and members could lose hundreds of jobs.

Representatives maintained that employment losses were not their main concern. "The issue is whether or not this is good public policy," said Stephen Madarasz, director of communications for the Civil Service Employees Union. "In the case of this proposal, there is no plan. There's really no plan explaining how this is going to work. It's just a concept that they're going to do."

Taurina Carpenter of the Public Employees Federation put the stakes even more strongly. "They're putting the community at risk. They're putting the kids at risk," she said, referring to the

Cuomo administration. "These kids are way more difficult to handle than they know."

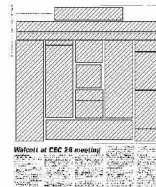
Indeed, juvenile offenders are typically sent upstate for one of two main reasons: They have either been charged with a designated felony — a legal term encompassing violent crimes such as murder, kidnapping, and arson — or the courts have decided that they need services best offered by upstate facilities, such as drug abuse programs or a high level of mental health services.

According to Jacqueline Pittman, whose son was sent upstate to the Tryon juvenile justice facility when he was 12, these services often leave much to be desired. "There was no type of support from the staff," she said. "They just made the kids feel down."

Avery Irons, director of Youth Justice Programs for the Children's Defense Fund in New York, agreed that state services have not always lived up to their promise. "The point of the OCFS facilities was to have a greater level of security but also a greater level of service for kids that have higher needs," she said. "They've for many years failed in that mandate, but they are trying to reform now."

It might be too late.

Close to Home seeks to reboot a system that currently sees 89 percent of boys and 81 percent of girls who have been released from a state facility get rearrested by their 28th birthday, according to the New York State Juvenile Justice Advisory Group. The advisory group noted that Ohio, Illinois and California, as well as Michigan's Wayne Coun-




ty, home to Detroit, are among the states and localities that have witnessed a reduction in crime and recidivism after shifting their juvenile justice systems "from centralized state-run facilities to local continuums of care."

"The general theory is people — kids, in this case — are better off close to home," said Michael Jacobson, director of the Vera Institute of Justice, a nonprofit reform organization. "When you look at the results of the kids who go up, who are not close to home, this would have to be pretty bad to be worse than that. ... It's basically not mathemati-

cally possible."

A plan for keeping juvenile offenders within the city will not emerge until the Close to Home legislation has passed, according to Tia Waddy, a spokeswoman for the city's Administration for Children's Services, which oversees juvenile detention for the city. However, during a forum at The New School in Manhattan on Feb. 2, agency Commissioner Ron Richter expressed strong support for the proposal.

Said Richter, "I don't think that you can for a moment not stop and cherish the opportunity to have New York City's youth

moved hundreds of miles south to actually be confined — when necessary — in locations that are just miles away from their mothers and fathers and siblings to be rehabilitated." 

**"These kids are way more difficult to handle than they know."**

— Taurina Carpenter,  
Public Employees Federation

## What is The New York World?

This article is published under the Queens Chronicle's new partnership with The New York World, which produces accountability journalism devoted to deepening public understanding of the ways city and state government shape life in New York City. The New York World is published by

Columbia Journalism School, and named for school founder Joseph Pulitzer's groundbreaking newspaper of the same name. Reporters are graduates of the Journalism School, on year-long post-graduate appointments. Their work is published online at [TheNewYorkWorld.com](http://TheNewYorkWorld.com).

# Town Requests Donations for Soldier Collection Drive

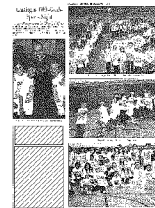
The Town of Oyster Bay is participating in a Soldier Collection Drive in an effort to gather needed supplies to be sent to the men and women serving overseas and is asking residents to help support the drive. This is the fifth year the town is participating in this collection drive.

"Last year, town residents, with the assistance of the CSEA, donated more than 2,000 pounds of much-needed supplies," Councilman Macagnone stated. "This year, with residents' support, we hope to surpass that amount."

Anyone interested in donating to the collection drive may drop off items at Town Hall North in Oyster Bay; Department of Public Works (CSEA entrance) in Syosset; Town Hall South in Massapequa; and at the Town of Oyster Bay Ice Skating Center at Bethpage Community Park. The collection drive will end on Wednesday, Feb. 29.

Items needed include: antibiotic & cortisone ointments, white crew socks, Visine, athletic T-shirts (black or brown only), Pepto Bismol tablets, national phone cards, Tylenol/Advil, old cell phones (without chargers please), Band-Aids, peanut butter, deodorant, cereal, powder, microwave pastas & soups, Mach 3 razors, GNC protein shakes, mouthwash, tuna fish (pre-mixed packs), Chapstick, nuts, body wash, chip/dip (cans), feminine products, gummi bears, baby wipes, lollipops/hard candy/mints, empty shoe boxes, beef jerky and flea & tick collars (soldiers use them to repel fleas)

For more information on the collection drive call (516) 624-6618.





## For First Year, Anyway *Start-Up Costs for Tier 6 Outweigh Early Savings*

By MARK TOOR

Governor Cuomo says his Tier 6 pension proposal will save the state billions down the road, but if it passes the Legislature the state will lose money on it as soon as it's implemented.

Mr. Cuomo's plan does not mention start-up costs, according to a Feb. 7 statement by State Comptroller Thomas P. DiNapoli's office that accompanied its analysis of Mr. Cuomo's budget. Mr. DiNapoli's actuaries estimated the state would spend between \$7 million and \$16 million setting up the new tier. "The cost for implementation for local governments has not been calculated," the statement said.

### 'No Immediate Savings'

Union officials said that means the plan, for the first year anyway, would wind up costing the state money rather than conserving it. "It will cost far more than it saves because there's no immediate savings from the new tier," said Stephen Madarasz, a spokesman for the Civil Service Employees Association.

He said the disparity underscored the CSEA's message: "on this budget, what you see is not what you get."

"We agree the costs would outweigh any potential savings (of which there would be none in the beginning)," Darcy Wells, a spokeswoman for the Public Employees Federation, said in an e-mail.

Mr. DiNapoli, joined by legislative leaders, also questioned budget provisions Mr. Cuomo's opponents described as a power grab, allowing him to move money around without legislative approval.

### 'Minimal Impact on Spike'

The Comptroller's analysis also said that the Tier 6 proposal "would have minimal impact on the spike in rates caused by investment losses from the near-collapse of the financial-services sector in the Great Recession in 2008 and 2009."

In 2009, the state's Common Retirement Fund lost \$40 billion. Because gains and losses are averaged over a period of several years, the state and municipalities have been required to

put in additional money to make up for it.

The rising pension bills in a time of declining tax revenue and Federal aid put the state and municipalities in a difficult position—one that is not relieved by the fact that state and municipal contributions were minimal or nonexistent when investments performed better. But the savings from Tier 6 won't be meaningful until well after the spike has passed.

The proposed plan would charge

### (Continued on Page 9)

workers a greater percentage of their pay to fund pensions that would be calculated more conservatively. It would exclude overtime from final-average-salary calculations and raise the retirement age to 65. For the first time, it would offer employees the choice between the traditional defined-benefit plan and a 401(k)-style defined-contribution plan. The plan would cover both state and New York City workers.

"Both the proposed defined-benefit and defined-contribution plan would also reduce retirement security for future workers," the Comptroller's analysis says. Mr. DiNapoli has been a defender of the current pension system, saying that it is adequately funded and that 401(k)s are too risky.

He also criticized sections of the budget that he said would reduce oversight by his office and by the State Legislature.

"The proposed budget includes language that would allow the executive to move spending authority from one agency to another with minimal oversight, or legislative input, and without regard to the original intent of the funding in the enacted budget as approved by the Legislature," statement said. "Also, public authorities would be authorized to transfer monies to any other public authority as long as the transfer is approved by their governing board.

### Warns of Unbridled Discretion

"This raises the possibility that an authority could use monies generated for one program or purpose, such as tolls intended for highway or bridge maintenance, for an entirely unrelated purpose," it continued.



He also questioned initiatives “intended to improve government efficiency... that also reduce transparency, accountability and oversight. For example, the executive proposes to exempt agency contracts from the State Comptroller’s review and approval... The Comptroller’s Office ensures that contracts are awarded fairly and openly and are the best value for taxpayers.”

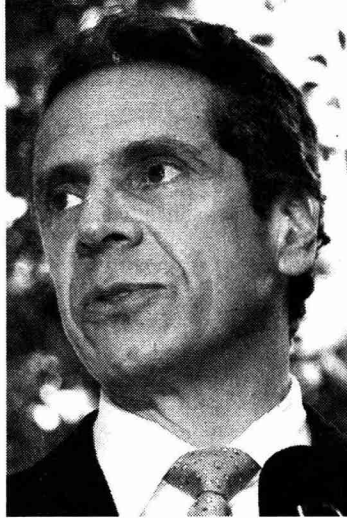
State Assembly Speaker Sheldon Silver and State Senate Majority Leader Dean Skelos also indicated they had problems with the provisions Mr. DiNapoli said would reduce oversight. “We have concerns about the specific language contained in the proposal,” Mr. Silver said in a statement. He told the Albany Times Union that the Legislature needs to have a say in any reallocation of funds.

### ‘Talk to Us Before Changing’

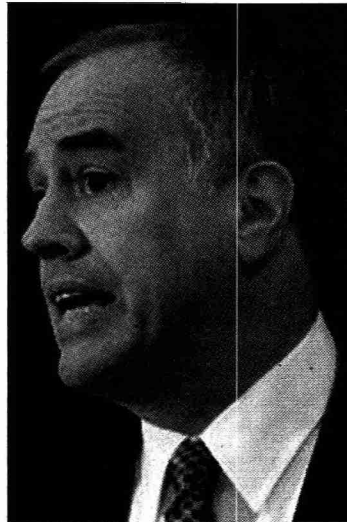
“I believe when we appropriate and make a decision jointly with the Governor, money should be spent a certain way, that’s the way it should be spent,” Mr. Skelos said. “If the Governor thinks it would be more efficient to spend it another way or another direction, then come back to the Legislature and we’ll work it out.”

State Sen. Liz Krueger, during hearings on the budget last month, said she was disturbed by the provision. “I have a great fear that this paragraph actually goes far, far beyond even the court-case interpretation of the constitutional authority of the Legislature vs. the executive,” she said.

Mr. Cuomo told reporters in Syracuse Feb. 8 that he was speaking for the people and that the lawmakers who oppose his proposals just want to keep the status quo. “The Albany politicians created this system. I’m trying to change it,” he said. “They’re trying to protect it.”



**GOVERNOR CUOMO: ‘Speaking for the people.’**



**THOMAS P. DINAPOLI: A skeptic about Tier 6.**

## Union, County Still Fighting

BY GIB SNYDER  
[editorial@post-journal.com](mailto:editorial@post-journal.com)

DUNKIRK — Neither Rose Conti, CSEA Chautauqua County president, or County Executive Greg Edwards are backing down in the war of words over the CSEA's stalled contract negotiations with the county.

On Wednesday, Rose Conti, CSEA Chautauqua County president, called some of County Executive Greg Edwards' recent remarks about Conti mischaracterizations that were unprofessional, unwarranted and unfair. According to the CSEA, Edwards blamed Conti for the failed contract talks while not telling the whole story. In addition, the release said the CSEA met with its membership Monday to 'present the facts.'

Conti said the union began the talks by asking union members for their input and then bringing those requests to the negotiating table. While Conti said the 5 percent raise broached by Edwards was accurate at the beginning of negotiations, there was a reason for the union's position. The CSEA Chautauqua County Unit represents 1,000 county workers in many general positions in the county ranging from laborers to supervisors.

"If you bring everything you can think of then you have room to compromise," she explained. "It's just unfair that if we truly want to bring the public into this then we need to let them know where we're at with February information, not information from August."

Edwards said the starting offer from the union was a five-year contract with 5 percent increases, more than the existing minimum of 40 days off with pay each year, with senior CSEA getting more than 50 days off with pay, a \$1 increased shift differential and other increased benefits and a guarantee of no layoffs. Those demands, Edwards said, would total a 30-percent increase in base pay over the four-year contract.

See CSEA, Page A3

"The fact that they negotiated off that position just shows how out of touch it was with the hard-working, private-sector taxpayers, and my non-union county employees who have had three straight years of zero increases and are paying more for their health insurance," Edwards said.

According to the CSEA, it tried in October to complete the contract to maximize health insurance savings. Its proposal called for a two-year contract saving the county \$1.7 million while agreeing to no wage increases, no step increases, no increase in longevity and an increase to the cost of the prescription plan. The union says it agreed to the county's request for a high-deductible health plan as an option for the membership. CSEA asked in return for the county to agree to no layoffs — a provision similar to the new state contract, Conti said.

Edwards countered by

saying the initial offer from the CSEA amounted to a 30 percent increase in base pay over the four-year contract. He said Conti's claims of \$1.7 million in savings from the union offer would be achieved by not pressing for step increases and longevity pay which nets workers a 2 percent increase each of their first nine years and a 2 percent bonus every year after that — both of which take effect even if there are no pay raises.

"The undeniable facts are that the payroll for CSEA members is approximately \$42 million dollars each year. With the expected 18 percent increase in the cost of the CSEA pension, and a 10 percent increase in the CSEA health insurance, the taxpayers are shelling out over \$2.7 million more in 2012 than 2011 just for those two benefits for CSEA members," Edwards said.

"The result is that the taxpayers were going to be asked to pay \$1 million more with the CSEA proposed deal and what Rose leaves out is that there were many more terms that were not settled. Further, with just a two-year deal we would be right back to negotiating next year for another contract for 2014 and beyond."

In the news release, the union says it agreed to the four-year length of a new contract at the final bargaining session on Feb. 1 as well as the county's proposals on step increments, longevity, sick bonus and prescription cost. The union said it also agreed to soften the no-lay-off guarantee request by asking instead for job security



language in the contract.

“When you have a give and take and you feel there is still motion and movement that’s one thing, but when you feel you sit there and there’s nothing left much to give and they say ‘no we don’t accept that,’ there’s no where else to go,” she explained. “You can’t negotiate with yourself.”

Edwards said he is modeling his goals for the CSEA’s next contract on the deal agreed to recently between Gov. Andrew Cuomo and the CSEA that has no raises for four years, seven days off without pay and increases in the employees’ health insurance contributions.

“What I want is similar to what the state CSEA President Danny Donahue agreed to with Gov. Cuomo: three years of zero increases in pay; increased obligation by CSEA members to pay for their health insurance, and I am not even demanding the nine days off without pay that every state CSEA worker is now obligated to as a result of the state contract,” Edwards said.

## Donohue re-elected as CSEA president

ALBANY — Civil Service Employees Association President Danny Donohue has been returned to office without opposition.

Donohue has been president of 300,000-member CSEA, the largest affiliate of the American Federation of State County and Municipal Employees, since 1994.

Among his recent accomplishments was CSEA becoming the representative for more than 25,000 independent child care providers across the state, under a new model of union representation. Donohue also significantly strengthened the union's role and influence in both the AFL-CIO and AFSCME, where he serves as an international vice president, according to a news release.

"These are some of the toughest times CSEA has faced in our 102-year history, but there is only one way to go and that is forward," he said in the news release. "I want to thank CSEA members for their confidence in my leadership."

Also returned to office for four-year terms without opposition were Executive Vice President Mary E. Sullivan and Statewide Secretary Denise Berkley. Treasurer Joseph McMullen was re-elected.

Locally, Capital Region CSEA President Kathy Garrison easily won re-election to a fourth term, defeating challenger Liz Clark, 68 percent to 32 percent.

Only the regional presidency was contested. Candidates for the offices of executive vice president, 1st 2nd and 3rd vice presidents, secretary and treasurer ran unopposed.



# County Exec's words stir CSEA ire

By GIB SNYDER  
OBSERVER City Editor

A tough job may have just gotten more difficult.

The mediator who will be assigned the task of bringing the positions of CSEA Chautauqua County President Rose Conti and County Executive Greg Edwards to some sort of compromise will have a job that just may be growing tougher by the day.

The CSEA issued a release Wednesday calling some of Edwards' recent remarks about Conti mischaracterizations that were unprofessional, unwarranted and unfair.

According to the CSEA, Edwards blamed Conti for the failed contract talks, but he picked his facts and did not tell the whole story. In addition, the release said the CSEA met with its membership Monday to 'present the facts.'

What is fact is negotiations began in August and the union's initial proposal called for a 5 percent annual increase in wages. After that, the dispute begins.

## CSEA's TAKE

"Before we begin negotiations we ask all our members for input and we bring everything to the table as a starting point," Conti said. "This offers us the widest

variety of ideas and options possible as we proceed. If it is not on the table we cannot discuss it."

## See CSEA, Page A6

While Conti said the 5 percent figure was accurate at the beginning of negotiations, there was a reason for the union's position.

"If you bring everything you can think of then you have room to compromise," she explained. "It's just unfair that if we truly want to bring the public into this then we need to let them know where we're at with February information, not information from August."

According to the CSEA, it made an attempt in October to complete the contract to maximize health insurance savings. Its proposal called for a 2-year contract saving the county \$1.7 million and agreed to no wage increases, no step increases, no increase in longevity and an increase to the cost of the prescription plan. The union also agreed to the county's request for a high-deductible health plan as an option for the membership. CSEA asked in return for the county to agree to no layoffs — a provision very similar to the new state contract.

The CSEA claims Edwards was not interested in a two-year contract despite the savings to the county. The union believes that this was done for purely political reasons and that Edwards did not want the contract to expire in a year that his position would be up for re-election.

The union claims at the final negotiation session on Feb. 1 it agreed to a four-year contract and the county's proposals on increments, longevity, sick bonus and prescription cost. The union said it also agreed to soften the no-lay-off guarantee request by asking instead for job security language in the contract.

According to the CSEA, it was willing to continue to negotiate and

offer more ideas to save the county money but the county was not interested in having the additional savings in 2012. At that point, the union felt no further progress could be made without assistance of a third-party mediator.

Conti said the mediator was a necessity from the union's position.

"When you have a give and take and you feel there is still motion and movement that's one thing,

but when you feel you sit there and there's nothing much left to give and they say 'no we don't accept that,' there's no where else to go," she explained. "You can't negotiate with yourself."

## EDWARDS' TAKE

"I simply do not believe their statement that they 'ask all our members for input,' because that means a majority of the 934 CSEA members in Chautauqua County asked for a 5-year contract with 5 percent increases, more than the existing minimum of 40 days off with pay each year, with senior CSEA getting over 50 days off with pay, a \$1.00 increased shift differential and other increased benefits and a guarantee of no layoffs," Edwards said. "The fact that they negotiated off that position just shows how out of touch it was with the hard-working, private-sector taxpayers, and my non-union county employees who have had three straight years of zero increases and are paying more for their health insurance."

Edwards added it was understandable why CSEA leaders wanted to get the focus off their demands which included a 30 percent increase in base pay over a four-year contract. He pointed out Conti's claims of \$1.7 million in savings from the union offer would be achieved by not pressing for STEP increases and longevity pay which nets workers a 2 percent increase each of their first nine years and a 2 percent bonus every year after that — both



before any negotiated raises.

“The undeniable facts are that the payroll for CSEA members is approximately \$42 million dollars each year. With the expected 18 percent increase in the cost of the CSEA pension, and a 10 percent increase in the CSEA health insurance, the taxpayers are shelling out over \$2.7 million more in 2012 than 2011 just for those two benefits for CSEA members,” Edwards explained. “The result is that the taxpayers were going to be asked to pay \$1 million more with the CSEA proposed deal and what Rose leaves out is that there were many more terms that were not settled. Further, with just a two-year deal we would be right back to negotiating next year for another contract for 2014 and beyond.”

Edwards said Conti’s claims of politics being involved aren’t true.

“What I want is similar to what the state CSEA President Danny Donahue agreed to with Gov. Cuomo: three years of zero increases in pay; increased obligation by CSEA members to pay for their health insurance, and I am not even demanding the nine days off without pay that every state CSEA worker is now obligated to as a result of the state contract,” Edwards stated. “I continue to be pleased that the CSEA leaders continue to want to talk about their demands in the press. The hard-working, tax-paying people of Chautauqua County should know what we currently offer to union workers represented by the CSEA and the additional demands they are making.”

What is certain one way or the other, county taxpayers will not see their tax bills go down.

*Send comments on this story to [gsnyder@observertoday.com](mailto:gsnyder@observertoday.com)*

**“When you have a give and take and you feel there is still motion and movement that’s one thing, but when you feel you sit there and there’s nothing much left to give and they say ‘no we don’t accept that,’ there’s no where else to go. You can’t negotiate with yourself.”**

CSEA Chautauqua  
County President  
Rose Conti

## CAPITAL REGION

# CSEA leader carries election

## Garrison survives challenge easily

BY STEVEN COOK  
Gazette Reporter

Three-term CSEA Region 4 President Kathy Garrison was overwhelmingly re-elected to a fourth term in regional election results tallied Tuesday, according to the two candidates.

Garrison defeated challenger Liz Clark by a vote of 2,236 to 1,040, or 68 percent to 32 percent, the candidates said Tuesday evening.

"I'm thrilled with the support that I've received over the past 12 years," Garrison said, "and I look forward to fighting on behalf of members to maintain their rights and to preserve the services provided to the public."

Garrison won re-election in the first regional election to take place since the Steven Raucci arson trial two years ago, a trial in which the prosecutor asserted that CSEA regional

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and central officials missed crucial warning signs of Raucci's reign of vandalism and bombings.

Clark cited that trial as the most prominent example of what she alleged was a regional leadership that hadn't given members the representation they need. Garrison, though, argued that changes were made. She also said she believed members have moved on and are focusing on issues like job security and salary.

See CSEA, page A3

Ballots were mailed out last month to as many as 40,000 Region 4 Civil Service Employees Association members. They were due back by Tuesday.

Only the regional presidency was contested. Candidates for the offices of executive vice president, 1st through 3rd vice presidents, secretary and treasurer ran unopposed.

Region 4 includes CSEA members in the greater Capital Region. At stake was a position that, according to testimony in the 2010 Raucci case, has a salary of as much as \$102,000.

Garrison, 46, of Wilton, won her fourth four-year term. She is now the longest-serving president for the region, she said. Garrison took the job 12 years ago, having been a principal account clerk for the Department of State.

Garrison said she wanted to run for a fourth term because the region

has had success in saving jobs and working out contracts to improve wages and protect benefits.

She said the biggest issues will continue to be the effects of the economy.

"There are budgetary issues at every level of government and we're going to work to find innovative ways to preserve jobs and services," Garrison said.

Clark, 38, of Clifton Park, is a training coordinator for the state

Dormitory Authority and has been president of Local 698 for 2½ years. She said she was running for the spot because of the issues raised in the Raucci trial. She said testimony of CSEA members from the trial shows that members repeatedly reached out to the region officials and they "turned a blind eye to it."

Clark said Tuesday evening she was disappointed with the voter turnout, but she said she was proud of her efforts and grateful for the support she received.

"For me, this is just the start," she said. "I'll be back in four years."

She also said she expects to run a full slate of candidates in the next election.

Raucci was convicted of 18 of 22 counts in his March 2010 trial, including first-degree arson, though he was acquitted of terrorism charges. The prosecution charged that Raucci was responsible for numerous criminal acts, including placing bombs on homes or cars, in a series of incidents intended to intimidate people he perceived as enemies or enemies of his friends. He was arrested in February 2009.

Raucci served as the Schenectady City School District's facilities manager and also led the union unit representing the workers he supervised. It was a dual position that prosecutors alleged made him valuable to the school administration for his ability to keep labor peace. Raucci also protected himself from the union by befriendling the then-local president in Schenectady County, Joanne DeSarbo.

Garrison was also called by Raucci's defense as a witness in his criminal trial. During that testimony, she underwent a blistering cross-examination by Schenectady County District Attorney Robert Carney in which Carney suggested there were warning signs to Raucci's bullying.





# Wheatcraft to retire after 40 years at city DPW

BY JEFFERY SMITH  
 jsmith@the-leader.com

**CORNING** | Terry Wheatcraft, long-time fleet service manager of the Corning City Public Works Dept., is retiring after 40 years of service.

Wheatcraft, 63, said much has happened since he was hired in October 1971.

"After I got out of the Army, where I served as a helicopter mechanic, unemployment called me and told me to take a civil service test for a mechanic position at the city of Corning," Wheatcraft said. "I took the test, was hired and have been here ever since."

Wheatcraft was hired as a mechanics assistant, was promoted to mechanic the next year, garage foreman in 1975 and then named fleet service manager in 1995.

"I've really enjoyed what I've been doing for so long," Wheatcraft said. "That's the reason I've stayed here so long. Every day is different. I will miss the people that I work with."

Mechanics Ernie Horton and Brent LaBar said Wheatcraft will be missed.

"We'll miss everything about him," said Horton, a 21-year member of the department. "I've worked with him for a long time and he's been just great to work for."

LaBar said Wheatcraft's sense of humor is often

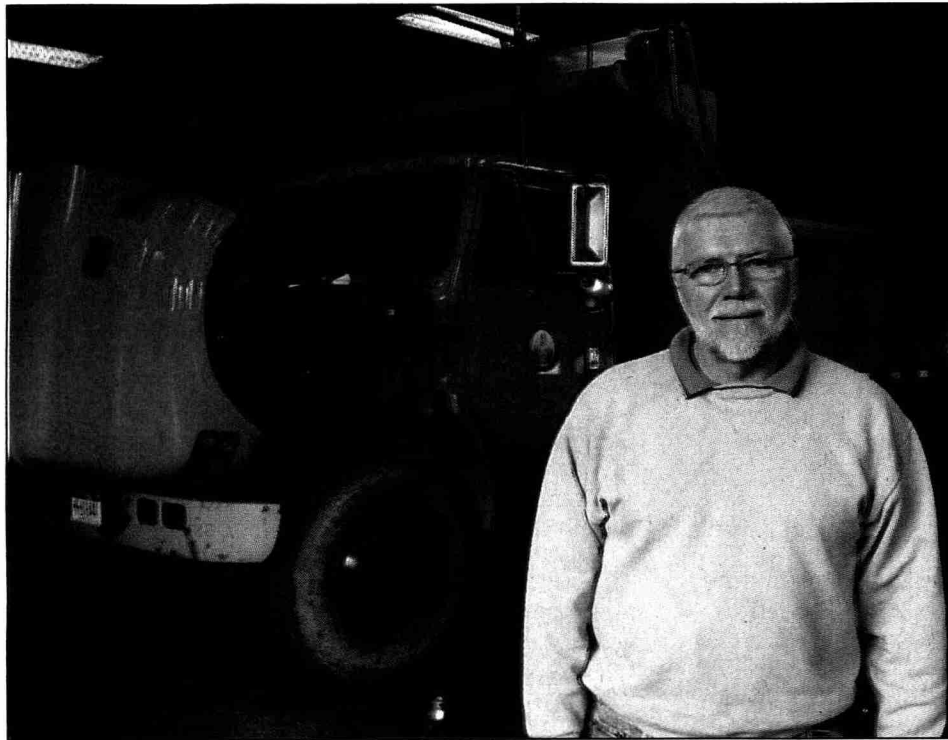
just as important to the success of the garage as his leadership and dedication.

Wheatcraft, who served on and off as CSEA union officer, said the thing he will miss the least is the politics.

"It's just getting too political," Wheatcraft said. "Too many people want to tell you exactly how to run your operation."

City Manager Mark Ryckman said the city will hire someone to replace Wheatcraft, but the exact position title has not been determined.





ERIC WENSEL | THE LEADER

**Fleet Service Manager Terry Wheatcraft will retire from his post at the end of the month.**

## Group homes hiring staff

Jobs campaign is launched to fill hundreds of openings in state and private sites

By Rick Karlin

ALBANY — State agencies may be in a consolidation mode, but at least one office is listing between 150 and 250 job openings at any given time.

The state Office for People With Developmental Disabilities has launched a campaign that appeals to the altruistic instincts of potential direct-care workers to get the best people for a difficult job.

The vacancies are for the front-line employees of state and privately run centers for the disabled. Direct-care workers tend to the needs of the state's most vulnerable and helpless New Yorkers, often providing round-the-clock care.

The jobs are tough and the pay isn't great — a unionized state job starts at around \$33,000 — with private organizations often paying less.

The new recruitment drive is emphasizing the friendships that caregivers develop with those they serve as well as the rewards of helping people in need and their families.

To reach more applicants, the office has put a video on YouTube featuring people who work both in state-run and private facilities.

In addition, the office has combined a listing of job openings in state-run and private centers on its web page, [www.opwdd.ny.gov](http://www.opwdd.ny.gov).

"Even when we've had to reduce the overall size of the workforce, we're still in a constant state of recruitment," Please see **JOBS A3** ► office spokesman Travis Proulx said.

OPWDD is one of the state's major employers with about 22,000 people on the payroll at dozens of centers and group homes where disabled people live.

Of the 22,000 workers, about 17,000 are involved in direct care.

Add the privately run not-for-profit centers which are regulated by the office and the workforce totals about 100,000 people.

Of the 150 to 250 direct-care openings at any given time, Proulx said, there are about 50 such jobs with state-operated facilities. State applicants must take and pass a civil service test. The rest of the positions are in private centers.

Combining the two job listings in a "jobs bank" on one website is part of a push by OPWDD to centralize and simplify the process of acquiring staff.

It also comes as some of the functions traditionally carried out by state employees are being shifted to not-for-profit organizations.

Currently, OPWDD is divided among regional centers.

While each region had histori-

cally set its own hiring standards the agency has recently centralized that function.

The changes have started since OPWDD's new Commissioner Courtney Burke took over last year with a mandate from Gov. Andrew Cuomo to overhaul the agency. She came to the post as the organization was reeling from a series in The New York Times revealing cases of patient abuse at some centers and group homes.

Burke has pushed to upgrade hiring standards including screening potential employees for criminal records.

Relations with the agency's state workers union, Civil Service Employees Association, have been uneasy amid these changes.

While the union has fought efforts to get rid of bad employees, union members have also complained of poor management decisions. They've even outlined some of their complaints on a video on the union's website, <http://www.csealocal1000.org>

Some of the tension may be evident in how the video was produced. In the video of direct-care workers, those who work at private centers are identified while those at state-run facilities are not.

Proulx cited privacy concerns but CSEA officials aren't convinced of the claim.

"It would appear to be an unintentional slight," CSEA spokesman Stephen Madarasz said.

► [rkarlin@timesunion.com](mailto:rkarlin@timesunion.com) ■ 518-454-5758



## Judge rules union wins challenge to residency law

Parties have differing interpretations of ruling



Utica Mayor Robert Palmieri said he doesn't yet know whether the city will appeal the ruling.

BY DAN MINER  
dminer@uticaod.com

UTICA – If a state law judge's recent judgment stands, city employees hired before Jan. 1, 2009, will not be subject to the city's residency law and can live wherever they want.

City residents overwhelmingly approved the law in a 2008 vote, but it has been a subject of controversy since then.

At issue: Whether those hired before the law went into effect are grandfathered in, and can move to and live wherever they want.

Consecutive administrations – formerly of Mayor David Roefaro and now of

Mayor Robert Palmieri – have maintained the law applies equally to all city employees.

But three city unions – covering employees from City Hall to the public works and police departments – see it differently and have filed separate challenges to the law.

In a Feb. 3 decision, state administrative law judge Nancy Burritt sided with the unions, saying a previous residency law from 1984 was enforced rarely and that the city violated state law by trying to apply a new law to employees who already worked for the city.

Burritt's decision was a response to the challenge of one union – **CSEA** – but addresses all city employees.

"I imagine it would have to govern everybody," said Steve Price, the CSEA president. "I can't see how they could just rule in favor of one party and not the other."

What does it mean? The pieces have yet to fall into place.

City First Assistant Corporation Counsel Charles Brown said he believes the decision simply mandates the city negotiate with the unions before it enforces the law.

PLEASE SEE JUDGE, 3A

He said a previous decision on the public works

Teamster's challenge came down in the city's favor. The O-D could not obtain that decision Thursday, and Teamster's union President Timothy Hogan could not be reached for comment.

Palmieri said he doesn't yet know whether the city will appeal or try to negotiate with the unions. He said a decision will be made after the last challenge – from the police union – is resolved.

Sgt. Dominick Nitti, president of the John E. Creedon Police Benevolent Association, said the recent news was "encouraging for our union."

"We're more positive now than before," he said.

### AT A GLANCE

■ City unions have argued with mayoral administrations and the Common Council about how the city residency law, approved by referendum in 2008, affects city employees who were hired before the law took effect.

■ A state administrative law judge recently came down on the side of the unions.

■ Mayor Robert Palmieri said he will await the pending results of all the union challenges before making a decision on how to proceed. The city could appeal the decisions or attempt to negotiate with the unions.



## **CSEA Nonprofit Pact: 2-Year Pay Freeze, Reopener in Year 3**

By MARK TOOR

The Civil Service Employees Association announced last week that it had negotiated a contract on behalf of 1,500 members employed by Health Research Inc., a nonprofit firm affiliated with the state Department of Health, that freezes wages for two years but makes no changes to health-insurance premiums or other health-care provisions.

HRI is affiliated with DOH and the Roswell Park Cancer Institute in Buffalo. It provides fund-raising services and helps disseminate scientific expertise from Roswell Park, a leading cancer-research center. The unit also covers administrative, clerical and

in the more-expensive New York City area—the same, the union said in a press release. Tuition-reimbursement funding also remains unchanged. The tentative contract would extend pre-tax transportation-account benefits from New York City workers to those across the state, and the benefits now include parking as well as mass-transit expenses.

No date was set for a ratification vote as of last week. Mr. Madarasz said the contract most likely will not be released publicly until after the vote.

(Continued on Page 13)

scientific staff members at other locations, including DOH headquarters at the Corning Tower in Albany.

### **'Quite an Accomplishment'**

"The contract maintains all the financial benefits our members told us were important to them," CSEA President Danny Donohue said in a statement Jan. 30. "That is quite an accomplishment in times such as these."

The proposed four-year contract, which must be ratified by members, includes a wage freeze for the current fiscal year and for 2012-13, but specifies that negotiations can be reopened to determine whether a salary increase will be given in 2013-14. It contains a raise on April 1, 2014 of at least 1 percent, depending on what the previous year's increase was, if any.

CSEA spokesman Stephen Madarasz said the HRI contract, which was negotiated with officials of the nonprofit, was not comparable to the CSEA state contract, which was negotiated with the Cuomo administration. The five-year CSEA contract ratified last year included a three-year wage freeze, nine unpaid furlough days and substantial increases in health-care premiums.

He noted that the wage reopener in the third year "could go either way," depending on the economy.

### **Transit Benefits Improved**

The proposed contract keeps the downstate adjustment—an additional payment given to employees who live



## CSEA: Cop Shooting Shows Problem With Not Holding Juveniles

By MARK TOOR

Responding to the shooting of a NYPD Police Officer allegedly by a former resident of a state juvenile center, the Civil Service Employees Association scored Governor Cuomo's plans to send more juvenile offenders to community-based programs rather than upstate detention centers.

"There are real public-safety concerns that need to be addressed here," CSEA President Danny Donohue said in a statement Feb. 2. "It makes no sense whatsoever to put these felons—violent, repeat offenders—back into the very neighborhoods where they got into trouble in the first place."

### One Bullet Behind the Ear

The officer, Kevin Brennan, 29, was shot once in the head by Luis Ortiz, 21, during a struggle at the Bushwick Houses in Brooklyn Jan. 31, authorities said. Officer Brennan and two plainclothes colleagues from the Brooklyn North Anti-Crime Unit were responding to a man-with-a-gun call. After Officer Brennan tackled him, Mr. Ortiz "managed to get his gun hand free and shoot Brennan at point-blank range behind his right ear," said NYPD spokesman Paul J. Browne.

Mayor Bloomberg and Police Commissioner Raymond W. Kelly said the officer, the father of a six-week-old daughter, was lucky that the damage was not more extensive. Officer Brennan was in stable condition at the end of last week but faces several weeks in the hospital.

"He's doing very well," said Patrolmen's Benevolent Association President Patrick J. Lynch. "He's up and he's doing therapy, which is going to be extremely hard for him..He's a strong kid and doing well." Officer Brennan had passed the Sergeant's test and was waiting for promotion.

Mr. Ortiz, who has a record of 14 drug arrests, jeered at photographers as he was led out of the precinct, saying, "Yeah, take a picture of me." Then, in Spanish, he shouted, "I love the Latin Kings."

### 'Could Have Had Time Extended'

He had been a resident of the Goshen Secure Center. "It appears that Ortiz was released by the NYS

(Continued on Page 8)

Office of Children and Family Services when his time was served, even though he was in the county jail on assault charges after an altercation with staff and could have had his time extended by the agency," CSEA said.

### Keeping Juveniles Close to Home

In his budget announcement last month, Mr. Cuomo said he would allow more youths who would normally be sent to upstate facilities to remain in their downstate homes and be treated by city employees and community programs. Mr. Bloomberg had pushed for such a decision, saying the state's secure facilities had a poor record of turning young people's lives around. The city and nonprofits could do the job better—and cheaper—the Mayor contended.

OCFS has had a serious internal conflict for years. Commissioner Gladys Carrión and her adherents say that the vast majority of troubled youth have mental or substance-abuse problems and that the agency needs to move from a prison-like model to a treatment model. On the other side, many long-term employees and their unions say that community programs are not equipped to handle violent young people like Mr. Ortiz.

### Pendulum Swung Too Far?

The U.S. Department of Justice criticized OCFS for pervasive staff violence toward residents. But employees say that changes put in place to rein in the staff have given residents the upper hand and that injuries to staffers from residents have increased. At the Taberg Residential Center in Oneida County, CSEA said, 18 of the 33 Youth Division Aides assigned there are on sick leave because of injuries suffered in attacks by residents.

Mr. Donohue said that if not for their age, many youthful offenders in secure facilities would be in prison. "This rapid and reckless dumping of violent individuals back onto the streets is dangerous and irresponsible and will continue to put unsuspecting communities at risk," he said.





**DANNY DONOHUE: 'No sense to send them back.'**

## 'It Can't Be Done' Nassau Cop Unions Decry Plan to Cut 4 Precincts

By MARK TOOR

Nassau County police-union leaders criticized a plan unveiled last week that would turn half the county's eight precincts into "community-policing centers" that would be staffed by officers but would not handle arrest processing or most other police functions.

County Executive Edward P. Mangano said Jan. 30 that the plan, which needs approval from the County Legislature, would save "up to" \$20 million out of the department's \$686-million budget. The number of patrol cars on the street would remain constant at 177, he said, and 48 officers would be transferred from desk jobs to Problem-Oriented Policing units where they would deal with specific community issues.

### 'You Can't Do It'

The unions disagreed with the claim this would not affect public safety. "County government, their primary responsibility is to protect the people of Nassau County," James Carver, president of the Nassau Police Benevolent Association, told News 12 Long Island. "You can't do that while you're eliminating buildings, eliminating police patrols and you're eliminating everything. It cannot be done."

It's "all political," Gary Learned, president of the Superior Officers Association of Nassau County, told Newsday. "The most they can do is give directions to the new precinct."

Mr. Mangano said his plan would eliminate a total of 100 civilian desk jobs at the four precincts that would become community-policing centers. Two officers would be assigned to each center at all times, the county said. (That probably means a minimum complement of eight officers per center.) The consolidation plan would reduce overtime, he said, because each of the remaining four precincts would have enough officers to easily meet the minimum-manning provision in the PBA contract.

The First Precinct in Baldwin, the Fifth Precinct in Elmont, the Sixth Precinct in Manhasset and the Eighth Precinct in Levittown would become community-policing centers under the plan. Most of their work would be

transferred to the four remaining precincts: the Second in Woodbury, the Third in Williston Park, the Fourth in Hewlett and the Seventh in Seaford (which would be renamed the First Precinct).

"The choices were made through a scientific approach based on caseload and geography," the county said in a press release.

### 'It's Not Like the Movies'

"This plan saves taxpayers significant dollars while streamlining duplicative work, redistributing work-

### (Continued on Page 6)

load and assigning more officers to POP and special patrol," Police Commissioner Thomas V. Dale said in a statement. "Nassau County police officers change shift at their post and not at the stationhouses like you see in the movies. Residents should know that response time will not be impacted as police officers will remain in their current neighborhoods and additional officers will be assigned to our neighborhoods."

Mr. Dale said the main reason residents go to their precinct house is to pick up copies of traffic-accident reports, which will be available over the Internet as well as at both precincts and community centers.

But Mr. Carver gave the FIOS 1 cable-news station an example of crime victims who would suffer if the precincts are closed: "You have people who are victims of domestic abuse who will not call a police officer to their house to report domestic abuse if their spouse or the person that's abusing them is there in the house. So they come to the station house to report that crime."

### 'Stationhouses a Deterrent'

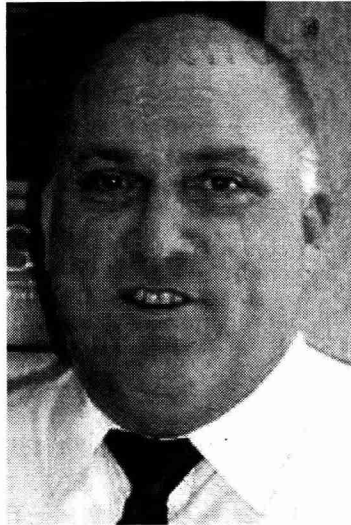
He continued, "Police stations are also a deterrent. They show a visibility, a strength that law and order is in full force here in Nassau County."

Mr. Mangano has been trying to address the county's budget problems by





squeezing workers represented by the Civil Service Employees Association, many of whom earn \$30,000 to \$50,000. About 400 CSEA members have been laid off. County police, whose base pay is in the neighborhood of \$107,000, were protected from layoffs last year by union contract. It was not clear whether Mr. Mangano's budget was depending on any uniformed layoffs.



**JAMES CARVER: Less protection is inevitable.**



**EDWARD P. MANGANO: Won't cut patrol cars.**

# State To Close B'klyn 300-Bed Psych Center

By Zach Campbell  
Brooklyn Daily Eagle

EAST FLATBUSH — Many in Brooklyn rely on Kingsboro Psychiatric Center for mental health care, particularly those who live in East Flatbush and the surrounding area. The facility maintains an extensive outpatient care program, as well as 300 beds for those that need long-term psychiatric care. Kingsboro is the only mental health facility in Brooklyn that takes long-term patients, and within the next year it will be closed.

The Office of Mental Health (OMH), the  
*Please turn to page 2*

state department responsible for managing New York mental health facilities, posted notice last week that Kingsboro will close, and that all of its inpatient beds for long-term psychiatric patients will be moving to South Beach Psychiatric Center in Staten Island. For Brooklyn residents without a car, this will mean a two-hour combination of trains, buses and a ferry to reach the care center.

“If you’re moving beds from a community where many residents are living below the poverty line, there is going to be a severe need there,” said David Galarza, a spokesperson for the Civil Service Employees Association (CSEA), a union representing some of Kingsboro’s employees. “Brooklyn is one of the state’s largest consumers of mental health care — moving Kingsboro is going to be devastating.”

The decision to close Kingsboro follows last year’s report by the Medicaid Redesign Team: Brooklyn Work Group, an Albany-based group that was asked by the Department of Health (DOH) to help solve the economic woes and health care delivery problems of many of Brooklyn’s hospitals. The group recommended a drastic restructuring of health care delivery in Brooklyn, including the merger of seven hospitals into three, and the closing of Kingsboro.

“We’re hoping this will provide more efficient services and better-quality care — Medicaid Health Homes are a better way to get more patients centered,” said a DOH spokesperson. Medicaid Health Homes are a decentralized version of inpatient care.

“We were looking for solutions to a dire situation,” he added.

Many state and city representatives have expressed their concern with OMH’s decision, which, some have said, could take effect in as little as two or three months.

“I understand the drive to restructure health care in Brooklyn,” said state Assemblywoman Rhoda Jacobs (D-Flatbush/Midwood/Prospect Park South), “but this is a quality-of-life issue, and it is wrong to ask people, many of whom are severely ill, to go to Staten Island for care.”

Many nearby residents are also worried about the closing of Kingsboro, said Terry Hines, chairman of Community Board 17.

“Many people here are not comfortable seeking services outside of the neighborhood — many are likely to just forego services,” Hines said, adding that residents who are dependent on



Kingsboro have been frustrated by the OMH's decision to close the facility without community input. "It has gone through without concern for the public."

A spokesperson for the Office of Mental Health, Leesa Rademacher, explained that the agency believes closing Kingsboro will improve care in the borough, saying it will free up money for outpatient clinic- and community-based care.

Rademacher added that OMH also hopes to minimize the jobs impact of closing Kingsboro. "Our planning will consider Kingsboro employees," she said. "Specifically, many employees will continue to work in community services and residential positions or be offered employment at South Beach."

The Brooklyn delegation to the City Council will meet with staff from DOH, OMH and Governor Cuomo's office today in hopes of slowing down or stopping the closure.

"Let's slow down and make sure we do this right," Assemblywoman Jacobs later said, adding that many are hoping for more public involvement, and potentially to keep Kingsboro open.

"It's a one-stop shop, and we need it," she said.

# Child-care providers upset by dues

## Stipend payments to union irks those who opted out of joining

By **MIRANDA ORSO**  
 Contributing Writer

PLATTSBURGH — Child-care provider Connie Ouimette says she is paying her dues unwillingly.

Ouimette, who opened Shooting Stars Daycare of Plattsburgh in 2006, says she is one of many child-care providers in the North Country who noticed a deduction in their monthly stipend from Clinton County Social Services beginning in January.

The stipend exists to cover child-care costs for parents who cannot afford it on their own. Ouimette said any reduction in these funds should be a cause for concern.

"After I did some investigating, I realized the payments were being made to the union," she said. "I didn't remember anything about deductions or union dues when we signed a new contract (with Clinton County) last year."

Ouimette had been approached in the past about becoming a member of the relatively new union, Voice of Organized Independent Child Care Educators (VOICE)/Civil Service Employee Association but opted not to join.

"I think people are confused. I've reached out to over 110 of the 160 child-care providers in the area, and only four of them were union members," she said. "If someone isn't a member, then why are they paying dues?"

According to Jill Asencio, a CSEA communications specialist, said

providers themselves wanted the union created.

"More than 4,000 signatures were presented to the State Employment Relations Board in 2007 and then subsequently VOICE/CSEA was certified due to a showing of sufficient interest," she said in an email.

See **UNION** Page A5 ▶

### FAIR-SHARE PAYMENT

The 2 percent deduction, recently authorized for automatic payment by New York state, is a fair-share payment made to the child-care union.

It comes out of the Social Services stipend, whether or not a provider opts to join.

If the provider is a member, the deduction is used to pay membership dues.

The money is used for the work of union staff representatives with child-care providers and, among other expenses, Asencio said, "for assistance from CSEA legislative/political, legal, communications, research, health benefits and other departments."

Providers can learn more about that payment and important issues affecting families around the state at a meeting on Thursday.

### POLITICAL ACTION

According to its website, Child Care Educators is a union working

on behalf of child-care providers in the state of New York. It fights for social and economic justice, effecting change through collective bargaining, political action and legislative advocacy.

The group was formed when concerned providers in Schenectady joined together in search of assistance and answers to some major issues that affected their ability to provide proper child care in their area.

Over the years, the organization has grown to more than 7,000 family and group-family providers statewide.

### CHANCE TO SPEAK UP

Asencio is looking forward to meeting with providers as they share stories and concerns at Thursday's session.

"We really want to encourage people to come forward and use their voice," she said in phone interview. "This is a great opportunity to talk to North Country child-care providers and be available for them."

She said the organization knows that giving people the opportunity to "speak up and be a part of the discussion" is a great way to get everyone informed and onboard in resolving issues.

Asencio stressed that their intent is to reach out to as many providers as possible.

"We really aim to be open and up front so that



we can focus on the task at hand of bringing everyone up to speed. As the need for discussion arises, we are responding," she said.

"We want to really encourage debate, alternative opinions and views."

She said providers are coming from all over the state to share their experiences and discuss how to focus on their main priority of keeping "families earning and children learning."

**'VALID QUESTIONS'**

At the meeting, Terrie Tyler Perkins will share her knowledge as a provider.

She has owned and operated Live, Laugh, Love in Saranac Lake for 28 years. She knows from experience the issues facing providers

such as Ouimette and others.

"Connie has some really valid questions. I know we are all excited to come together to learn more about how we can strengthen our relationships as providers," Perkins said.

She supports the member-driven union group. She said it has helped alleviate a lot of administrative headaches over the years that providers have struggled with in the past, giving them more time to focus on quality care for the children.

"They know the issues and bring them to the attention of the agencies. They aren't just an external group. VOICE is us."

Ouimette remains positive that the session will open the doors for important dialogue.

"It will be a great chance to get everyone in one room and get everyone on the same page," she said.

<b>FIRST ONLINE</b>	<b>We first had this online at 3:15 p.m. yesterday.</b>
For breaking news, visit our website: <a href="http://www.pressrepublican.com">www.pressrepublican.com</a>	

**"We really want to encourage people to come forward and use their voice. This is a great opportunity to talk to North Country child-care providers and be available for them."**

Jill Asencio,  
**CSEA**

# County, CSEA Head To Mediation

BY NICHOLAS L. DEAN  
ndean@post-journal.com

MAYVILLE — County Executive Greg Edwards on Friday announced his disappointment that contract negotiations with the CSEA have ended.

By declaring an impasse and moving to mediation, CSEA Unit 6300 President Rose Conti showed interest in no longer negotiating, Edwards said, which allows him to discuss the issue.

The county and the union entered into negotiations in August, Edwards explained.

In the recent contract negotiations, Edwards said, the CSEA was coming off a four-year contract which had pay increases every year and averaged out to be a 2.9 percent increase over the course of the four years.

"In our first meeting in August, we each submitted simultaneous proposals, and you'll see the one that I submitted and the one that they submitted was stunning in the sense of the way it was presented," Edwards said Thursday. "They wanted five years of 5 percent each year increases in their contract. And they wanted more days off. They wanted an extra \$1 an hour for what they call shift differentials, so if you work anything other than 9 to 5 you get an extra \$1 an hour."

Currently, the base pay for a CSEA employee starts at more than \$12 an hour, Edwards said — with \$13 an hour guaranteed by the end of their first year. In addition,

there's a minimum of 40 days off each year between sick days, vacation time and personal days — with a senior employee having 53 days available to them.

Furthermore, of the 934 employees in the CSEA union, not a single one is working at that base salary pay, Edwards said.

"So they came in with a proposal after having come off a 2.9 percent per year increase and they want, basically, a 30 percent increase in pay over the next 5 years," Edwards said Thursday.

A document provided by Edwards can be found attached with this article online at [www.post-journal.com](http://www.post-journal.com). See **MEDIATION**, Page A3

In it, Edwards details issues of the county and CSEA's contract negotiations and also offers up his assessment. Conti could not be reached at the CSEA number in Mayville late Thursday afternoon.

CSEA officials said Wednesday that the union had proposed a deal which would have saved taxpayers close to \$2 million over the life of the contract. That proposed contract is a different deal than the one which Edwards said the CSEA initially brought to the table.

Conti confirmed Friday that even during the short few months of negotiating, there had been multiple contracts discussed.

"For what we believe are purely political reasons, the county is giving up the opportunity to save \$1.7 million over the next two years, plus additional savings that would come from changes to workers' health insurance coverage," Conti said in Wednesday's release. "We want residents to know that this union found ways to reduce costs and offer savings, but the county executive turned away a chance to save a significant amount of money."

Edwards questioned the allegations of politics on Thursday and cited state CSEA President Danny Donahue, who just settled the

NYS CSEA contract for four years with three years of 0 percent increase, seven days off without pay and significant increases in state CSEA employees contributions to their health insurance.

"That deal was struck after Gov. Cuomo threatened to lay off 3,500 CSEA workers," Edwards said. "Even more interesting is the fact that at least three other state unions have agreed to contracts in the last two months with three zeros, furlough days and increase contributions for health insurance. No one has alleged 'politics' in the state CSEA, but in this case, the local CSEA president is making just such a baseless allegation."

Edwards said he believes he negotiated at least fairly, and likely offered more latitude than was offered by the state's CSEA leader.

"While I am disappointed that the local CSEA has decided to declare an impasse, I am pleased that PERB will assign a mediator to come in and work to try to facilitate a deal," Edwards said. "My goal continues to be to provide a place where the 934 full-time CSEA employees can work, earn a fair wage, receive fair benefits, contribute to the welfare of all who live here, and at a cost that the taxpayers of Chautauqua County can afford."

Edwards said he was insistent that the contract be a four-year deal to provide fiscal stability for the taxpayers of the county.

"Virtually all of my nonunion employees have had their pay frozen for three years with no increases," he said.

Additionally, those employees have been participating in the High Deductible Health Insurance Plan.

Conti on Friday said that the union had been looking for a two-year agreement which would have saved the



county money for the time being and would have revisited the issues shortly.

“As long as we were still talking, then you don’t go to impasse,” Conti said Friday. “But when you see yourself going nowhere, then you’ve got to sit back and say, ‘If we can’t go anywhere, we go to mediation.’”

The previous four-year contract expired Dec. 31, 2011. The labor union is one of five unions negotiating contracts with the county. Four of the contracts expired at the end of 2011, though one, the contract for the Civil Service Employees Association Unit 6322, expired in December 2009. That particular CSEA unit represents part-time sheriff’s deputies.

The other four contracts are for the Sheriff’s Supervisors Association, which represents lieutenants; the Deputy Sheriff’s Association, which represents primarily road patrol personnel; the Sheriff’s Employee’s Association, which represents primarily jail personnel; and the CSEA led by Conti, which represents many different general positions in the county, from laborers to supervisors.

## Overextended State Workers Run Up Overtime Record

By MARK TOOR

A decline in the number of state employees performing essential services in hospitals, prisons and similar facilities pushed state-government overtime to record levels last year, according to figures released last week by State Comptroller Thomas P. DiNapoli's office.

"There goes the savings, because they're paying it out in overtime," said Darcy Wells, a spokeswoman for the Public Employees Federation.

### 'Staffing Extremely Low'

The facilities reporting high overtime—largely regular and psychiatric hospitals, correctional centers and units for the developmentally disabled—are staffed 24 hours a day year-round and have high rates of employees out on Workers' Compensation for job-related injuries, she said.

"Staffing levels are extremely low," she said, noting that Governor Cuomo had said during his budget address in January that the number of state workers had dropped by 16,000, or 12 percent, since 2008. At many agencies, minimum staffing is set by law or under union contract.

"The dirty little secret is that the Division of Budget would always rather pay overtime than have enough employees to do the job," said Stephen Madarasz, a spokesman for the Civil Service Employees Association. As a result, he said, "we don't have enough people in the facilities." He noted that if facilities paid for by Medicaid do not have adequate staffing, they risk losing their funding.

Court facilities, which are under a hiring freeze after a retirement incentive in 2010 stripped them of more than 1,500 employees, also reported high overtime costs.

The issue came up during a Jan. 25

**(Continued on Page 11)**  
budget hearing in Albany involving workforce issues.

### 'Agencies Falling Short'

"Some agencies have chosen to lay off workers to the point where they can't accomplish their mission," said Assemb. Michael DenDekker, a

Queens Democrat and former city Sanitation Worker. He said workers are not putting in overtime "to pad their pension, they're doing it because they're ordered to."

Donn Rowe, president of the New York State Correctional Officers and Police Benevolent Association, confirmed that an officer who refused to work mandatory overtime would be dismissed.

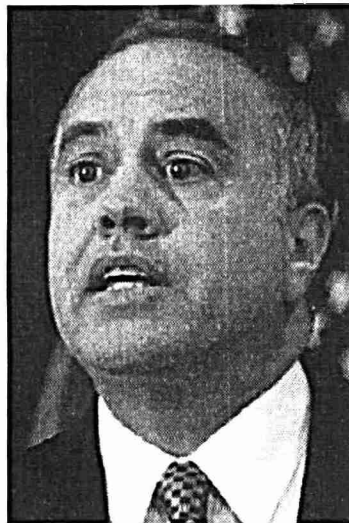
The number of overtime hours worked—12.2 million—is actually down from 2008, when the total was 13.2 million hours. But because of rising pay rates in the public-employee contracts that preceded the ones reached this year, the total cost rose from \$466.8 million in 2008 to \$469.1 million last year.

### 49 Overtime Hours Per Week

A Treatment Assistant at Mid-Hudson Psychiatric Center, Robert Henry, topped the list of overtime earners for the second year in a row. Mr. Henry has a base salary of \$61,830 and also earned \$123,511 working 2,556 hours of overtime last year. That's the equivalent of 49 extra hours per week, every week of the year.

Each of the 20 top overtime earners made more in overtime than they did from their base salaries.

The Comptroller's Office released overtime figures in the form of computer spreadsheets and did not provide analysis. "This can be interpreted in any number of ways," said a spokeswoman.



**THOMAS P. DINAPOLI: OT soars as employees dwindle.**





# Highway Department insider levels charges at co-workers

## Public Safety investigating, DA's office has letters

By DAVID AMBRO

The Town of Smithtown Department of Public Safety is investigating allegations of impropriety and wrongdoing in the Smithtown Highway Department, according to Director of Public Safety John Valentine.

The **Smithtown News** this month received an anonymous envelope containing 13-pages of letters about alleged wrongdoings in the highway department. **The NEWS** this week provided copies of the documents this week to the Department of Public Safety.

During an interview from his office Tuesday, January 31, Mr. Valentine said that all allegations about governmental wrongdoing are taken seriously by his department and that the allegations in the letters will be looked into. "We investigate any allegation whether it is anonymous or not," he said.

While Mr. Valentine said the allegations in the letters are being taken seriously and will be investigated, a source told **The NEWS** this week that the letters have also been turned over to the Suffolk County District Attorney's office with a request that the allegations be investigated.

Some of the most serious allegations in the letters involve the use of drugs by highway workers. By names, the letter details employees who are using cocaine and perscription drugs during work time. The writer alleges that in one instance top level highway officials covered up a drug find before calling police to

the highway yard. The letters are detailed with names and crews involved in the incident.

Another serious charge in the letters involves the allegation that highway employees absconded with a "very expensive" hi-lo forklift and other valuable items during an eviction of a company from a building in the Hauppauge Industrial Park in late December or early January. Again, the letters contain the names of those people allegedly involved in the incident.

Several pages of the letters are also about top level employees in the department working out of their job description or responsibility.

The envelope directs the letter to **The NEWS** editor David Ambro, however, the letter starts, "To Whom This May Concern," and it appears that the documents are a series of letters previously written about a variety of matters and sent to town officials. The names of the officials to whom the letters were sent had been removed from the tops of the letters, however, lists of town officials to whom the letters are copied remain on the bottom of the pages.

*(Continued on page 14)*

The writer claims in one of the letters that highway department officials are trying to figure out who is the source of the letters. "Hopefully we will be protected as we have not done anything wrong," says the letter. "All we have done is report the truth."

The writer, who claims to be a highway department

employee who wants to remain anonymous in fear of losing his job, alleges that much of the information in the letters is known by town officials and the press and has been covered up. He includes **The NEWS** among those responsible for the coverup by not reporting about some of the allegations.

Last year **The NEWS** did report about the theft of scrap metal from the highway department by a worker after that employee was caught and brought up on disciplinary charges. Another incident, the cleaning of street sweepers at the Smithtown Highway Yard, was brought to the attention of **The NEWS** last year and was investigated but did not rise to the level of a story, thus the accusation that the situation was covered up.

One of the people named as having been copied on the letters is Civil Service Employees Association (**CSEA**) Smithtown Unit President Kelly Brown. During an interview at town hall last week, Ms. Brown said that although her name is listed on the letters she never received copies. She said that some of the allegations in the letters regarding personnel issues have been brought to her attention and that they seem to be the writings of a disgruntled highway worker.

Ms Brown said that she is not aware of any union grievances related to the personnel charges outlined in



the letters. A town hall source said that with respect to some of the personnel issues raised in the letters the highway department worked with the personnel department and corrected the out-of-title work.



**BLUFF TRAGEDY:** Old Dock Bluff in Kings Park, a popular Town of Smithtown fishing and boating facility at the mouth of the Nissequogue River, was closed Tuesday morning, January 31 while Suffolk County police conducted a "non-criminal" death investigation. The body of a man was found in a maroon and black Jeep parked in the inner parking lot at The Bluff. The body was removed from the scene at about 11 a.m. Tuesday by the Suffolk County Medical Examiners Office.

## Occupy Orange rally set for Thursday

The "Occupy" movement is moving into Orange County.

A celebration/pep rally/organizing meeting is planned for Thursday, Feb. 2, at 6:30 p.m. at Mulberry House, 62-70 West Main, Middletown, to set up an Occupy Orange group.

Bennett Weiss of Newburgh, one of the organizers, says, "2011 will be remembered as the year people, ordinary people, took to the streets. From Tahrir Square in Cairo to Madison, WI something special was happening. Voices that were long silenced by fear or deadened by hopelessness rang out in protest. No movement better encapsulates the raw and awesome power of people coming together in new and vital ways than the Occupy movement. It is truly amazing how a small, leaderless movement centered in a half acre park in lower Manhattan captured the imagination of the world and rapidly spread to over 80 countries and 1,000 cities. And now it's coming to Orange County."

There will be pizza and several other dishes served at the opening of the event.

Organizers will be collecting canned goods for a food drive to benefit the needy of our community.

Sponsoring groups include Orange County Peace and Justice, CSEA of Orange County, Democratic Alliance, Community Voices Head of Newburgh and 1199 SEIU. This list will be updated in the coming weeks.

In the event of extreme weather, the meeting will be held at the same time and place the following week on Thursday, Feb. 9.

For more information, contact Verne Bell at 845-569-8965 or email [VerneMB@aol.com](mailto:VerneMB@aol.com). Also, one can contact Bennett Weiss 845-569-8662 or email [benweiss@aol.com](mailto:benweiss@aol.com).



# Union rips Liberty care

## Company will take 100 jobs at med center

By Theresa Juva-Brown  
tjuva@lohud.com

VALHALLA — The private health-care company set to take over more than 100 jobs at Westchester Medical Center has a “record of failure,” union officials charged Tuesday.

“What we found out about Liberty Healthcare is frightening,” said John Staino, president of the Civil Service Employees Association, which is losing 150 jobs at the Behavioral Health Center. “This is what they are bringing to ‘world-class medicine?’”

Management announced last month that it had hired Liberty Healthcare, a Pennsylvania-based company, and more than half the staff at the BHC would be laid off.

The union circulated a list of news reports to show that Liberty has a

history of poor management in Kentucky and Florida.

In 2006, Communities at Oakwood, a state home for the developmentally disabled in Kentucky, received 21 citations by the state for allegations of abuse and neglect, according to The Associated Press, and was fined \$1.4 million for health and safety problems.

The Courier-Journal reported that Oakwood was cited for allowing a resident to leave with a woman posing as his sister, then got drunk, visited a strip club and had sex. Liberty’s interim director at Oakwood, Wes Perkins, told the paper the company was “terribly embarrassed” by the incident.

Liberty’s 11-month stint at Oakwood also drew a lawsuit from a resident, who alleged he was beaten by staff.

Liberty said in a statement that it “was unable to gain the necessary management authority to terminate abusive state

employees, manage disciplinary problems and enforce policies and procedures” to avoid serious citations from the state.

As for the lawsuit, “Liberty had actually reported the abuse and helped bring the case to closure,” the statement said.

The union noted a 2007 New York Times article that described Liberty’s problems with managing the Florida Civil Commitment Center for sex offenders.

“Liberty is proud of its service to the state of Florida and record of resolving issues that were within our control,” the company said Tuesday.

**CSEA** members said they fear Liberty wages won’t attract high-quality and experienced employees.

Psychiatric aides now make about \$20 per hour; Liberty is offering about \$15 an hour, the union has said.

“The patients are going to suffer,” said Patrick Roache, a psychiatric aide for 29 years who helps control violent patients. “Patients are going to be getting hurt. Staff is going to be getting hurt.”

Westchester Medical Center said Liberty has a “more than positive track record” with 200 organizations across the U.S.



# Union: Liberty has a 'record of failure'

## Health-care company to take over 100 jobs at Westchester Med Center

By Theresa Juva-Brown  
tjuva@lohud.com

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Westchester Medical Center said Liberty has a "more than positive track record" with 200 organizations across the country over the past 25 years.



MEDICAL CENTER

# Labor ills, fiscal gap batter hospital

Medicaid, pensions weigh  
on Valhalla institution

By Theresa Juva-Brown  
tjuva@lohud.com

VALHALLA — With strained labor relations in the wake of 400 job cuts and leaders still grappling with a \$26 million budget gap, there seems to be no panacea for the woes at Westchester Medical Center.

The medical center is dealing with the same financial problems as other hospitals — declining Medicaid and Medicare reimbursements — but because it's a public-benefit corporation, it has the added pressure of state pension payments, said Kevin Dahill, president of Northern Metropolitan Hospital Association, which represents hospitals in the Hudson Valley. That contribution is projected to hit \$70 million by next year, hospital officials have said.

"There's going to be a continuing need for 'safety-net' hospitals, and there is going to have to be a way to ensure they are around and that they are viable," Dahill said. "Exactly how that's going to occur is anybody's guess."

As the region's safety-net hospital, the medical center provides advanced care and treats many uninsured patients and those on Medicaid and Medicare. About half its patients get government-subsidized health coverage.

The past year has been filled with major changes at the medical center including hundreds of layoffs, an overhaul of psychiatric emergency services and the subsequent private takeover of more than 100 jobs at the Behavioral Health Center. Labor unions

See CENTER, Page 8A

said they fear more cuts and declining patient care, while hospital leaders argue they are trying to keep the organization afloat.

"We're not going to privatize the hospital, but if there are certain aspects where we can preserve the mission yet improve the economics, we will be forced to do it," said Mark Tulis, chairman of the medical center's board of directors. "We have been set adrift by the county and by the state, and we have to do what's necessary."

The medical center, which sits on county property, used to be part of Westchester County government. Amid concern it was entangled in politics and limited in how it could generate revenue, a state law turned it into an independent, public-benefit corporation in 1998. A hospital board of directors, appointed by elected officials, oversees staffing and the budget.

It wasn't a smooth transition. In the early 2000s, poor financial management led to a near-collapse that required tens of millions of dollars in county aid to fix.

But that crisis is different than what's happening now, medical center CEO Michael Israel said. The medical center no longer gets county funding and is receiving smaller reimbursements. On top of that, it has soaring pension costs it can't control.

"We, along with all other hospitals, have to figure out how to do more with less," Israel said. "We want to do as much for employees as we can. But people have to open their eyes. Take a look at

what's happening across the country. The dollars are not there."

Though the medical center doesn't get county money, it doesn't pay rent under its 60-year lease with the county. And until the end of 2009, the county covered the hospital's utility costs.

Assemblyman Thomas Abinanti, D-Greenburgh, said the medical center can't solve its financial problems until there is a "united front" between leaders and labor.

"The first thing is they need to get together and talk," said Abinanti, a former county legislator who chaired its medical center committee. "It's not just about contracts, but how to best run the hospital. There has to be a better relationship between management and labor, and that doesn't exist now."

Peter Piazza, president of the Civil Service Employees Association at the medical center, described the situation as "somber and dire." He said that although officials claim a major loss in revenue, they haven't complied with state law and been transparent with their records, a charge the medical center disputes.

He also criticized the county Board of Legislators for arguing that the medical center is a state entity and refusing to step in. Piazza noted the county board, executive and governor work together to appoint the hospital board of directors.

"The elected officials of this community play an important role in the survival and viability of this magnificent institution," Piazza wrote in an email. "They have abandoned



that responsibility.”

The office of County Executive Rob Astorino declined to be interviewed for this article.

Board of Legislators Chairman Ken Jenkins said the issue is whether the public-benefit corporation model still works.

“We can put different board members in, but does that change the economic situation? No,” he said.

County Legislator William Ryan, former board chairman and member of a medical center financial oversight committee, said the hospital’s current struggle raises questions about whether government should help again.

“I don’t know if there is the political will to do that,” he said.

In the meantime, it needs to focus on staying competitive with other hospitals, Ryan said.

“Historically, they have had top-notch physicians, top-notch nursing, and those are critically important to the success of that medical center,” he said. “They have to aggressively market how good they are.”

The medical center spent an estimated \$60 million on capital im-

provements last year and plans to spend another \$63 million this year, officials said. It also recently recruited prominent physicians such as Dr. Juan Asensio, a trauma surgeon, and Dr. Mitchell Cairo, a leading pediatric hematologist/oncologist.

“I am very optimistic about the future of the medical center and see continued expansion, continued program development and continued recruitment of new physicians,” Israel said. “I think the medical center five years from now will look very different from the way it does now.”

“The level of care being delivered here is absolutely superb,” he said. “I do not believe what we are doing hurts that.”

*“There has to be a better relationship between management and labor, and that doesn’t exist now.”*

**THOMAS ABINANTI,**  
assemblyman



## HELPING OUT THEIR NEIGHBORS

Hempstead Town Councilwoman Angie M. Cullin (second right) and Hempstead Town's CSEA Local 880 President Charles Sellitto (third right) and 5th Vice President Jo-Ann Delgado (third left) recently dropped food and clothing collected by Hempstead Town employees off at the Freeport Outreach at Holy Redeemer Church. The food and clothing will be distributed to local families in need. Pictured (l-r) are: Alfonzo Martinez and Sister Dorothy of Holy Redeemer Church, Delgado, Sellitto, Councilwoman Cullin and Bellmore resident Jose Rodriguez.

Courtesy Town of Hempstead





# Polar Plunge team bowls for Special Olympics

FISHKILL -- Close to 50 union members and community supporters came out Jan. 18 to the Southern Dutchess Bowl in Fishkill for CSEA Region 3's first-ever "Beat the Bear" Bowl-a-Thon. The event was a fundraiser for a team of CSEA union members who will brave the icy waters of Fishkill Creek when Special Olympics New York holds its annual Polar Plunge Feb. 25 at Sharpe Reservation in Fishkill.

Bowlers teamed up to beat the bowling score of the event's mascot, a polar bear (aka CSEA Dutchess Education Local President Scott Rajczi).

"Everyone who turned out said this bowl-a-thon was a fun way to help the athletes of Special Olympics and show support for our union members who are gearing up for another great Polar Plunge," said CSEA Region 3 Polar Plunge Team Co-Captain Guy Bilyou. "We've decided to make this an annual event and we hope more members of the community will join us at next year's bowl-a-thon."

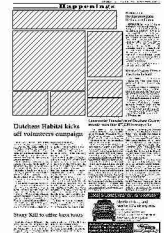
This is the fourth year that CSEA has sponsored a team at the annual Fishkill plunge event. Many members of CSEA, which represents 40,000 workers in the

Hudson Valley, care for individuals with developmental disabilities who take part in the many sporting opportunities offered through Special Olympics. CSEA's Region 3 Office is located in Beacon.

Donations can be made to the CSEA Region 3 Polar Plunge team by logging on to <http://tinyurl.com/fishkillplunge>.



***Bowlers at the first-ever CSEA Beat the Bear Bowl-a-Thon had to beat the score of the polar bear mascot (aka CSEA Dutchess Education Local President Scott Rajczi).***





***Participating in the bowl-a-thon were (left to right) Special Olympics Coach Kathi Nolan, athlete Ann Hertel, Coach Theresa Ann Miller and athlete Ricky Miller.***

*Courtesy photos*

## CAPITAL REGION

# Presidency of CSEA unit contested

## Challenger: Raucci scandal taints current leadership

BY STEVEN COOK  
*Gazette Reporter*

The 2012 CSEA election for regional offices is under way, with the three-term incumbent Region 4 President Kathy Garrison facing a challenge from a Dormitory Authority local president, Liz Clark.

The election is the first to take place since the Steven Raucci arson trial two years ago, a trial in which the prosecutor asserted that CSEA regional and central officials missed crucial warning signs

See **CSEA**, page A3

of Raucci's reign of vandalism and bombings. Clark cited that trial as the most prominent example of what she alleges is a regional leadership that hasn't given members the representation they need.

Garrison argues that changes have been made. She also said she believes members have moved on and are focusing on issues like job security and salary issues.

Ballots were mailed out to as many as 40,000 Region 4 Civil Service Employees Association members last week. They are due back by Feb. 14.

Only the regional presidency is being contested. Offices of executive vice president, 1st through 3rd vice presidents, secretary and treasurer are running unopposed.

Region 4 includes CSEA members in the entire greater Capital Region. At stake is a position that, according to testimony in the 2010 Raucci case, has a salary of as much as \$102,000.

Garrison, 46, of Wilton, is seeking her fourth four-year term. She

took the job 12 years ago having been a principal account clerk for the Department of State.

Garrison said she wanted to run for a fourth term because the region has had success saving jobs and working out contracts to improve wages and protect benefits. "People are concerned about job security first and foremost," Garrison said.

Garrison said no one has brought up the Raucci case to her. But she said members in Schenectady have gotten as detailed information as she could provide about the situation. "As bad as it was two years ago, it's very, very promising," Garrison said.

Clark is 38 and from Clifton Park. She is a training coordinator for the state Dormitory Authority and has been president of her Local 698 for 2½ years.

Clark said she is running for the spot because of the issues raised in the Raucci trial. She said testimony of CSEA members from the trial shows that members repeatedly reached out to the region officials and they "turned a blind eye to it."

"I think it's probably the highest profile example of it out there, but this runs rampant," she said. "I believe that we can do better and need to do better."

Asked about Clark's contentions, Garrison said Clark doesn't give specifics. Garrison also said she believes the region's representation of members has been "second to none."

The votes are to be tallied Feb. 14 by the American Arbitration Association, Garrison said, with results expected that evening.

Raucci was convicted of 18 of 22 counts in his March 2010 trial, including first-degree arson. He was acquitted of terrorism charges. The prosecution charged that Raucci was responsible for numerous criminal acts, including placing bombs on homes or cars, in a series of incidents intended to intimidate people he perceived as enemies or enemies of his friends. He was arrested in February 2009.

Raucci served as the Schenectady school district's facilities manager and also led the union unit representing the workers he



supervised. It was a dual position that prosecutors alleged made him valuable to the school administration for his ability to keep labor peace. Raucci also protected himself from the union by befriending the then-local president in Schenectady County, Joanne DeSarbo.

The two positions, prosecutors alleged, allowed him to intimidate his workers without fear of reprisal from the union or school district.

The 2008 CSEA regional election was one of many focuses in the Raucci trial and a related lawsuit.

A federal lawsuit filed in the wake of the trial alleges that Garrison sought and won Raucci's and DeSarbo's assistance in her re-election bid in 2008.

In return for that assistance, the suit alleged, Garrison "took steps to silence the critics of both Steven Raucci and Joanne DeSarbo." Garrison, though, said she didn't know Raucci supported her in her 2008 re-election bid and never had a conversation with Raucci on that issue. Garrison has consistently denied the allegations and the suit remains pending.

Garrison was also called by Raucci's defense as a witness in his criminal trial. During that testimony she underwent a blistering cross-examination by Schenectady County District Attorney Robert Carney.

In his cross-examination, Carney suggested that the information was there to stop Raucci's reign.

"I do believe there were lots of warning signs and the people at regional and even central CSEA didn't care about it," Carney said in a news conference after the 2010 verdict.

## Psychiatric hospital is 'like a ghost town'

### Poughkeepsie center's last day is today; patients gone

By Craig Wolf  
Poughkeepsie Journal

Today is the last day for Hudson River Psychiatric Center, a Poughkeepsie institution that since 1871 has been home for those with mental illness, and until recently, a workplace for hundreds of people.

As part of Gov. Andrew Cuomo's downsizing agenda, the state will close the hospital and move patients to other facilities, primarily Rockland Psychiatric Center in Orangeburg.

A spokeswoman for the state Office of Mental Health, Leesa Rademacher, said most of the clients were moved over time. The last 15 were relocated this week.

In May, Cuomo announced a restructuring

of mental health facilities after the Legislature adopted a budget that he said would close an overall state budget deficit of \$10 billion. The closing would affect 375 workers and about 125 patients at Poughkeepsie.

Mary Casale worked for 30 years and eight months and requested retirement. It's three years early for the 59-year-old Town of Poughkeepsie woman, who said it would mean a less-senior worker will get to keep her job as a result.

Many of the workers took jobs in other facilities or state agencies where their civil service seniority gave them "bumping" rights to displace less-senior workers in similar titles. Others lost their jobs. Rademacher didn't have the

numbers Tuesday.

Casale said some refused to move for a job.

"They work in food service or housekeeping, and they were unable to make that drive with the price of gas," she said.

About 30 workers represented by the Civil Service Employees Association lost their jobs, said Jessica Ladlee of the CSEA. She said that with a pay grade in the low \$30,000 range, "you just can't commute to Rockland County."

Ross Pavilion is empty, its future undetermined.

"It's like a ghost town," Casale said.

Reach Craig Wolf at  
845-437-4815 or  
cwf@poughkeepsiejournal.com.



## **CSEA president cites importance of County Home**

By **NICHOLAS L. DEAN**

OBSERVER Mayville Bureau

The Chautauqua County Home has a reach which extends outside of Dunkirk.

Speaking recently with the OBSERVER, Rose Conti, CSEA Unit 6300 president, said that though she represents the employees who work at the County Home, her concerns are for the county as a whole.

"I just don't think people understand the huge impact this will have countywide if this is sold," Conti said Friday. "It's not just the north end (of the county)."

In addition to workers at the home residing throughout the county, Conti said taxpayers as a whole in Chautauqua County have invested in the facility through their tax dollars.

### **See CSEA, Page A6**

More than anything, Conti said she fears there not being any guarantees if the facility is to ever change hands.

In November, a representative from Marcus & Millichap addressed the County Legislature, detailing how the group's marketing process works.

Most importantly though, the rep stressed, is the fact that the county can make stipulations to the sale or lease of the nursing home facility — stipulations which would address many of the concerns which have been raised by workers and residents.

"We're not putting a sign out in front of the facility," said Joshua Jandris, the representative from Marcus & Millichap. "It's a very strategic process and the people that would be bidding on the facility will come through qualified and vetted."

Still, Conti said a sale could result in major changes to the facility.

"There's no law that says they have to keep it a nursing home, at least no law that I'm aware of," Conti said. "And if they choose not to keep it, those people have to go somewhere. They have to go somewhere else, which will then create long waiting lists at all the nursing home facilities in this county. That affects everybody."

Changes to the employees' wages and health benefits too, Conti said, could have larger impacts than on just the



individual employees.

“Right now, my members, yes, they have taxpayers’ insurance,” Conti said. “But they also pay for their insurance to some degree and they pay a co-pay. If they become employees who are making a lot less money, then the taxpayers, through Medicaid, will pay all of their medical expenses. They won’t have to put anything in.

“A lot of the people who work in these facilities which have been sold don’t make enough money,” Conti continued. “Then they become consumers of that type of money, of food stamps and Medicaid. If they work and have a half-way decent wage though, they are going to go out shopping on Friday night, buy their family a pizza or their children a pair of shoes. But if they lose that income and lose their retirement, they have to start worrying about things like that. Then they don’t spend because they can’t any longer. Somehow, we all of a sudden have decided that everyone can do less and make less and it is the corporations who seem to be making more.”

In December, the majority of the legislature approved a resolution naming Marcus & Millichap as the firm chosen to market the County Home. That proposal had been tabled in November, but was brought back to the floor by lawmakers during the body’s December meeting.

“I worry about the entire county and not just the people who work there,” Conti concluded. “It’s not just the people that work there and not just the people in the north end of the county. It’s a bigger problem than that.”

# A union challenge

**NUMC subsidiary** would allow nonunion workers

■ **CSEA prez says** hospital is trying to bust union

BY ROBERT BRODSKY

robert.brodsky@newsday.com

Nassau University Medical Center, the county's only publicly funded hospital, is planning to create a nonprofit subsidiary that would allow it to hire nonunion employees.

But the union representing NUMC employees said it will challenge the move, claiming it undermines the mission of the public hospital.

The East Meadow hospital hopes to establish a nonprofit entity known as NuHealth Services Corp., which would co-run the facility, according to documents submitted to the state Health Department.

NuHealth Services Corp. would run existing health programs and facilities with the existing public benefit corporation, the Nassau Health Care Corp.

The plan must be approved by the state Health Department's Public Health and Health Planning Council.

The new entity would allow the hospital, which is facing a projected \$50 million budget gap, to hire private-sector, non-union employees. The Civil Ser-

vice Employees Association represents 3,400 employees at the hospital, the A. Holly Patterson Extended Care Facility and several outlying clinics.

Nassau Health Care Corp. president and chief executive Arthur Gianelli said the plan would provide the hospital with flexibility.

The new entity would have the same board as the public benefit corporation and would have the option to hire new nonunion employees, Gianelli said. "The union can represent such employees, assuming it follows the proper process to do so," Gianelli added.

CSEA president Jerry Laricchiuta accused Gianelli of trying to bust the union.

"We will fight to the death on this one," Laricchiuta said yesterday at the hospital's board of directors meeting. He contends that Gianelli attempted to "sneak" the change past the union.

Employees hired by the proposed nonprofit would not receive the same contractual health care and pension benefits afforded to hospital CSEA employees, Laricchiuta said.

Although the proposal does not require county approval, the state Health Department has asked Nassau County Executive Edward Mangano for a "no objection" letter, hospital officials said.

On Tuesday, County Attorney John Ciampoli wrote to Ronald Stack, chairman of the Nassau Interim Finance Authority, which controls the county's finances, seeking its input. Stack declined to comment yesterday.

The proposal would "allow NUMC to remain viable despite its mandate to provide health care to the indigent," Ciampoli wrote.

In a letter to Gianelli yesterday, Ciampoli said the county will await NIFA's comments before offering its opinion.

Legislative officials have pledged to investigate the proposal.

"At a minimum I would expect the Health Committee to hold a hearing on NUMC's intent to operate the hospital as a nonprofit," said Dave Gugerty, chief of staff to the Democratic minority.

*With Sid Cassese*







NEWSDAY PHOTO / KAREN WILES STABLE

**CSEA** chief Jerry Laricchiuta contends the hospital's CEO attempted to "sneak" change past union.



## **CSEA hold MLK celebration at Coral House**

CSEA Local 830 held their 18th Annual Dr. Martin Luther King, Jr. luncheon chaired by the Unity Committee. The ceremony and luncheon was held at the Coral House in Bald-

win. Town of Hempstead Councilwoman Dorothy Goosby presented Certificates of Recognition to this year's honorees and scholarship awardees.





**FOOD AND CLOTHES FOR HOLY REDEEMER:** Hempstead Town Councilwoman Angie M. Cullin (second right) and Hempstead Town's CSEA Local 880 President Charles Sellitto (third right) and Fifth Vice-President Jo-Ann Delgado (third left) recently dropped food and clothing collected by Hempstead Town employees off at the Freeport Outreach at Holy Redeemer Church. The food and clothing will be distributed to local families in need. From left are Alfonzo Martinez and Sister Dorothy of Holy Redeemer Church, Ms. Delgado, Mr. Sellitto, Councilwoman Cullin and Bellmore resident Jose Rodriguez.



## LONG BEACH

# City to declare fiscal crisis

BY CANDICE RUUD

[candice.ruud@newsday.com](mailto:candice.ruud@newsday.com)

Long Beach's newly appointed city manager, Jack Schnirman, and the new five-member City Council are poised to pass a resolution tomorrow night to declare a fiscal emergency, which would give Schnirman more authority to tighten and veto spending.

"We will scrutinize and sign everything by hand," he said. "We are not shy about sending things back for more information, more documentation or just plain saying no."

Long Beach owes \$48.3 million in general obligation debt and last month was downgraded five investment rating levels by Moody's Investors Services to Baa3, the lowest investment-grade rating that Moody's issues.

Schnirman said the extent of the city's financial crisis becomes more apparent each

day. One recent report, for example, showed nine departments already had exceeded their overtime budgets only halfway through the fiscal year.

As a result, Schnirman said he is more closely analyzing spending requests, and some employees have pushed back.

"Some say, 'But this is the way we've always done it before,' and it's important for us to make the point that that is not an answer that we accept," Schnirman said.

The president of the Long Beach Civil Service Employees Association, John Mooney, said he likes Schnirman's approach so far — he has been open and fair, Mooney said. But the belt-tightening has many union members worried about job security, he said.

Schnirman hasn't mentioned layoffs, Mooney said. "He just said they're going to tackle the budget and see how

bad the finances are, and then they'll sit down with the unions and work with them."

John McLaughlin, the new council's lone Republican, said communication has been solid so far.

"As a minority member, I can't complain about being left out in the cold," he said. "Jack has been keeping me up to speed. And I think this council meeting will show we really have to tighten our belt."

But as a lifelong Long Beach resident, McLaughlin said he knows taxpayers are used to a high level of services, which he expects will be cut back this year.

"This is a tough town to keep everybody happy," McLaughlin said. "The same way the rest of the country has adjusted to it, we'll have to adjust to it."

The council is to meet tomorrow at 7 p.m. on the sixth floor of City Hall, 1 West Chester St.



## Briefs

### Astorino seeks end of Triborough rule

WHITE PLAINS — Westchester County Executive Robert Astorino on Friday said the state should either repeal or change the Triborough Amendment, which lets expired union contracts continue with pay raises until a new deal is reached. The law hinders fair negotiations with public employee unions in contract negotiations, he said. Astorino said the measure adopted in 1982 has discouraged unions from agreeing to givebacks or concessions. He said because the contracts continue after they expire, there is little incentive to reach a deal with local governments. Westchester County's largest union, CSEA, responded, saying that the amendment leveled the playing field in negotiations since most unions cannot strike.

It also is another attempt to distract residents from Astorino's refusal to negotiate with unions, they said. For more, read the Politics on the Hudson blog at [www.lohud.com](http://www.lohud.com).



# CSEA Holds Dr. Martin Luther King Jr. Luncheon

## *Matthew D'Albenzio among scholarship winners*

CSEA Nassau Local 830 hosted its 18th Annual Dr. Martin Luther King Jr. Luncheon on Saturday, Jan. 7 at the Coral House. This event is designed to honor the life and times of Dr. King, as well as preserve his "dream" for future generations. That is accomplished by providing four \$500 scholarships for children of CSEA members. This year's winners were Alicia Robinson of Freeport, Raven Holmes of Roosevelt, Matthew D'Albenzio of Levittown, and Nichole Tagufa of Uniondale.

There were also four honorees that were lauded for their community service.

The honorees were Antonio Cunha of Uniondale, Daryl LiGon of Roosevelt, and Marion Terry and Ricky Ford of Hempstead. The keynote speaker was Reginald Brantley, Esq., of Westbury.

Over 150 people attended as well as several dignitaries including Town of Hempstead Councilwoman Dorothy Goosby, and County Legislators Kevan Abrahams, Wayne Wink, Robert Troiano and Carrie Solages.

CSEA Nassau Local 830 President Jerry Laricchiuta was in attendance along with CSEA Long Island Region One President Nick LaMorte.



**CSEA Unity Committee member Barbara Jones, scholarship winner Raven Holmes, CSEA Local 830 President Jerry Laricchiuta, CSEA LI Region One President Nick LaMorte, honoree Ricky Ford, Nassau Legislator Kevan Abrahams, keynote speaker Reginald Brantley, Esq., Town of Hempstead Councilwoman Dorothy Goosby, honoree Marion Terry, CBTU Long Island President Alan Jennings, scholarship winner Matthew D'Albenzio, CSEA Unity Committee co-Chair Carol Croston and Nassau Legislator Wayne Wink.**



## CSEA: Aides suffer as Tryon shut

Union cites high injury rates among workers at Oneida County youth site

By **RICK KARLIN**  
Capitol bureau

ALBANY — Rather than improving conditions, closure of the Tryon youth prison has simply meant more conflicts between incarcerated youngsters and their caretakers, a major state union said.

Noting 18 of 33 youth division aides at the state's Taberg Residential Center in Oneida County are out of work due to injuries from alleged attacks by youngsters, the Civil Service Employees Association claims the state agency that runs the center is heedless of the union's concerns.

"It's time someone else listens before anyone else gets hurt," CSEA President Danny Donohue said.

He said 19 employees at Taberg, including the facility's director, have been violently attacked at the center.

Susan Steele, spokeswoman for the state Office of Children and Family Services, which runs the youth centers, disputed CSEA's contention that the injuries occurred during assaults.

"The majority of the injuries are not due to assaults. They occur during the course of the restraints," Steele said, referring to procedures in which aides grab and subdue a youth, using a variety of holds.

OCFS has brought in senior

managers and provided more training to the workers at Taberg since November, she added.

CSEA officials said the distinction between an assault by a youngster and restraint by an adult is a matter of semantics, since restraints aren't launched unless a resident begins to act up and pose a threat.

"How do you do a restraint if you're not being assaulted?," asked CSEA spokesman Stephen Madarasz. "That's blame-the-victim stuff."

Regulations about when a worker can or cannot restrain a resident have grown more stringent in recent years, he said.

The union has clashed with OCFS and the agency's commissioner Gladys Carrion since she took over during the Spitzer administration.

Contending that many of the juveniles at state youth centers are mentally ill and are being housed in remote locations far from their downstate homes, Carrion began closing centers and pushing for actions that provided more treatment than punishment.

Supporters of Carrion have also characterized some of the youth

Please see **AIDES A8** ► centers as sources of public sector jobs for residents of rural upstate areas, even though the bulk of the residents come the New York City area.

Unionized workers contend Carrion needs to acknowledge some of the residents are dangerous.

Youth centers hold young adults, or juveniles, who are too young for the criminal justice system but have usually been convicted of a crime and sentenced by a judge.

Tryon, which once housed former heavyweight boxing champion Mike Tyson, was closed last summer. Many of the remaining girls at the facility were moved to the Taberg center. A separate boys wing was shut down previously.

Disclosure of the attacks and injuries at Taberg prompted state Sen. Joseph Griffo, whose 47th District includes Taberg, to write to Carrion urging more training and heavier staffing at the center.

"Dedicated front-line workers at Taberg are clearly not being given the adequate protection, training or staffing needed, and the result is a series of injuries that seriously is damaging morale and forcing staff to endure dangerous working conditions," wrote Griffo, a Republican.

Other members of the mostly Republican upstate Senate delegation have in the past complained to Carrion about what CSEA says are the unsafe conditions in youth centers.

► Reach Karlin at 454-5758 or [rkarlin@timesunion.com](mailto:rkarlin@timesunion.com).



## Union boss opposes having prisoners answer DMV calls

**COXSACKIE** — Using prisoners to do the work of Department of Motor Vehicles employees is a bad idea, the New York president of the Civil Service Employees Association said this week.

Union leader Danny Donohue was responding to a decision by New York state to allow inmates at the Greene Correctional Facility in Coxsackie, along with those at the Bedford Hills Correctional Facility for women in Westchester County, to answer calls for the state Department of Motor Vehicles.

Donohue said the decision is particularly bad in light of the current economy.

“At a time when thousands of New York families are struggling to find jobs and pay their bills, New York state has decided to help prisoners develop ‘marketable skills’ rather than make appropriate and necessary jobs available to law-abiding citizens who would then pay their taxes, spend their paychecks and contribute in the local community,” Donohue said in a prepared statement. “CSEA can only remain skeptical about claims of taxpayer savings from this scheme when security and close-supervision costs are considered.”

The DMV call center at the medium-security Greene Correctional Facility was announced by the state Department of Corrections and Community Supervision and the state Department of Motor

Vehicles in a press release issued Tuesday. The release stated the inmates are expected to answer more than 1 million calls per year and that the center is a way to cut state costs while continuing to deliver services. The agencies said the call center will save taxpayers about \$3.5 million per year.

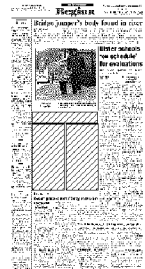
The call center at Greene Correctional replaces one at the Arthur Kill Correctional Facility on Staten Island. That call center closed on Dec. 1.

The Greene call center will employ 45 inmates when fully operational, but inmates will not have access to DMV computers and will not be able to access any customer data, the press release stated. It also said convicted of telephone-related crimes or credit card or computer fraud are not eligible to work in the center.

The inmates in the call center will answer general assistance questions, such as those about office hours and locations and identification requirements, the release stated.

Donohue called the move “another swipe at public employees by equating the work of hard-working, responsible and dedicated employees with incarcerated criminals in the public’s mind.”

The state Department of Motor Vehicles press office declined to respond to Donohue’s comments.







## *CSEA local 880 collected toys at Coral House*

**H**empstead Town Councilwoman Dorothy L. Goosby (2nd left) helped collect toys at the Town of Hempstead CSEA Local 880 holiday party held at the Coral House in Baldwin. Pictured (left to right) are Michael Hilkwicz of Baldwin,

Councilwoman Goosby, Denise Thibou of Hempstead, TOH CSEA Local 880 Vice-President Peter Giorandano of Merrick, Mary Burns of Hempstead and Larry Paretta of Wantagh.



## NY union: Juveniles injure detention center staff

### STAFF AND WIRE REPORTS

**TABERG** – A union representing workers at state juvenile detention centers says they are taking a beating from youths in their care.

The Civil Service Employees Association cites Taberg Residential Center, where 18 staff injuries included three broken bones, a concussion and a dislocated shoulder.

**CSEA** said Taberg is symptomatic of increasing attacks under a policy shift from a correctional model to a so-called “sanctuary model” in disregard for staff welfare.

The union said adding females from the recently closed Tryon Girls Residential Center to previously all-male Taberg increased the violence risk.

The Office of Children and Family Services said Wednesday safety is a primary concern, senior managers have been sent to provide support at Taberg, and most staff injuries happened while restraining youths, not in assaults by them.

State Sen. Joseph A. Griffo, R-Rome, Wednesday called on Gladys Carrión, state Office of Children and Family Services commissioner, to take

strong, swift and effective action to protect staff at the Taberg center.

“I am outraged and demand immediate steps to address the serious situation at the OCFS Residential Facility at Taberg, where the appalling record of injuries suffered by staff is a clear indication that rapid steps need to be taken to stabilize the situation for the protection of remaining staff and to institute changes that will create a safe work environment for the staff,” Griffo wrote.

*Contributing: The Associated Press, Observer-Dispatch*

*“I am outraged and demand immediate steps to address the serious situation at the OCFS Residential Facility at Taberg. ... Rapid steps need to be taken to stabilize the situation.”*

**State Sen. Joseph Griffo**  
R-Rome



## NEW YORK

# Public employees union: Attacks on juvenile detention center staff increasing

The Associated Press

ALBANY — A union representing workers at state juvenile detention centers said they are taking a beating from youths in their care.

The Civil Service Employees Association cites Taberg Residential Center in Oneida County, where 18 staff injuries

included three broken bones, a concussion and a dislocated shoulder.

CSEA said Taberg is symptomatic of increasing attacks under a policy shift from a correctional model to a so-called “sanctuary model” in disregard for staff welfare.

The union said adding females from the recently closed Tryon Girls Resi-

dential Center to previously all-male Taberg increased the violence risk.

The Office of Children and Family Services said Wednesday safety is a primary concern, senior managers have been sent to provide support at Taberg and most staff injuries happened while restraining youths, not in assaults by them.



## CSEA: Inmates causing injuries

ALBANY – An influx of inmates from the shuttered Tryon Residential Center in Perth is being cited as a reason for an increased risk of violence at another juvenile detention center operated by the state Office of Children & Family Services.

Civil Service Employees Association President Danny Donohue on Tuesday said the relocation of female Tryon inmates to the Taberg Residential Center near Rome changed the makeup of the formerly all-male facility and has led to 18 of 33 youth division aides and the center's director being temporarily out of work because of severe injuries sustained in attacks by inmates.

"For years, CSEA has consistently and loudly warned about the danger front-line workers at OCFS face, and it's time someone listens before anyone else gets hurt," Donohue said in a news release.

The Tryon facility was shut down in August as part of a state initiative to remove beds from the juvenile justice system. Before it closed, more than a half-dozen inmates were arrested for assaulting employees.

Tryon employees had made complaints about violent inmates when the local facility was open.



# Injuries from unruly females at youth center

BY SEAN I. MILLS

*Sentinel staff writer*

TOWN OF ANNSVILLE — Responding to union claims of injuries to 18 of 33 aides at a state-run detention facility for young females, State Sen. Joseph A. Griffo is calling for better safety measures and staff training at the Taberg Residential Center.

Griffo, R-47 Rome, called the reports of injuries “appalling” and demanded immediate action from the commissioner of the state Office of Child and Family Services.

“I am outraged and demand immediate steps to address the serious situation at the OCFS Residential Facility at Taberg,” Griffo wrote to Gladys Carrion.

“The appalling record of injuries suffered by staff is a clear indication that rapid steps need to be taken to stabilize the situation for the protection of remaining staff and to institute changes that will create a safe work environment for the staff.”

Officials with the OCFS, how-

■ CONTINUED ON PAGE 2

## Trouble

ever, said today that the claims of the employee union — the Civil Service Employees Association (CSEA) — are not entirely accurate, and that the Taberg Residential Center has received increased training and an influx of staff since a change in 2011 from an all-male facility to all-female.

“The safety of both staff and residents is a primary concern of the OCFS,” said Susan Steele, assistant director of communications in Albany.

“In recognition of issues at Taberg, since November, OCFS has deployed senior managers and staff from both regional and home offices to provide facility staff with technical assistance and support.”

The Taberg Residential Center is a limited-security facility at 10011 Taberg-Florence Road. It provides counseling, education and other services to girls ages 13 to 18 who have been sentenced in Family Court for various crimes. Prior to 2011, the Taberg facility was an all-male campus, but that changed due to the closing of several other facilities in 2011, OCFS officials said.

As of Monday, there were 14 female residents at the facility, Steele said. They center can bunk a maximum of 25 youths.

According to the union, 18 of the 33 Youth Division Aides, as well as the facility director, are currently out of work due to injuries suffered in attacks from the female residents. They said the injuries include two broken collarbones, a concussion, a broken ankle and a dislocate shoulder. The union said that other co-workers have had to take on double shifts to ensure that the residents receive the round-the-clock supervision, adding to the physical and emotional drain of the job.

“For too long, OCFS has shown a complete disregard for the safety of its staff,” said Danny Donohue, president of the CSEA.

“We cannot afford to continue policies that compromise public safety and put youths and staff at risk. We need a commitment to provide the leadership and resources necessary to ensure the safety and well being of youths,



staff and the community.”

Steele said she could not confirm the accuracy of the 18 reportedly injured aides. She said there are currently 40 filled Youth Division Aide positions at the Taberg Residential Center.

Donohue said that chief among the problems is the gradual shift from a detention model to a new “Sanctuary Model” for the facility.

According to OCFS literature, the Sanctuary Model is “a cultural model rather than a treatment intervention.” Employees and residents are expected to follow seven daily commitments, including nonviolence, emotional intelligence, open communication and more.

Steele said the new model is “a complete shift in philosophy,” and is “a way to move away from restraints.”

“Contrary to claims made by CSEA, OCFS has increased training at Taberg,” Steele said.

“Also contrary to CSEA’s claims, most of the injuries identified were sustained during the course of employing restraints, not during assaults by youth.”

Steele said the injuries occurred when employees tried to physically restrain the youths. She said she does not believe the facility uses actual mechanical restraints, but simply physically restrains the youths when needed.

“Clearly the juveniles in the state system have some very complex behavioral and psychological needs,” Steele said. “It’s a

challenging population.”

One such incident occurred at the facility on Dec. 12, when state police were called after facility resident Jessica J. Williams, age 16, attacked one of the male employees. State police said Williams had been in a fight with another girl when the employee tried to break them up.

Williams is accused of attacking the employee with her fists,

giving him a concussion. She was charged with third-degree assault.

“I wouldn’t call it a problem area,” said State Police Captain Francis S. Coots. He said not all law enforcement calls to the facility result in charges, though “It’s certainly been physical confrontations between residents, as well as against staff.”

Coots said “it’s just noticeable that we’re receiving more calls at the facility” since the change to an all-female campus. There were reports of violence when it was all-male, “but certainly not as frequently,” he stated.

Neither Coots nor Steele would comment on what it is about the all-female campus that has led to more reported attacks. They also did not have the exact number of state police responses to the facility over the past year.

In his letter to Commissioner Carrion, Griffo called these injury reports the “latest black eye” for the OCFS.

Griffo said a facility in Goshen in Orange County was cited last year for an “out-of-control orgy and sex party” that was held in December 2009 with OCFS support.

“It’s time to clean house and restore order,” Griffo said.

“Dedicated front-line workers at Taberg are clearly not being given the adequate protection, training or staffing needed, and the result is a series of injuries that seriously is damaging morale and forcing staff to endure dangerous working conditions.”

**SOURCE:** AP State Online New York

**DATE:** 01-11-2012

**HEADLINE:** NY union says juveniles injuring staff

Source Website

The Associated Press

ALBANY, N.Y.

A union representing workers at the state's juvenile detention centers says they are taking a beating from youths in their care.

The **Civil Service Employees Association** cites the situation at Taberg Residential Center in Oneida County where 18 staff suffered injuries, including three broken bones, a concussion and a dislocated shoulder.

**CSEA** says Taberg is symptomatic of a larger problem, with increasing attacks on staff under a policy shift from a correctional model to a so-called "sanctuary model" at the juvenile centers in disregard for staff welfare.

The union says an influx of females from the recently closed Tryon Girls Residential Center in Fulton County to previously all-male Taberg has increased the risk of violence against staff.

Calls to the Office of Children and Family Services were not immediately returned.

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**Highlights: Civil Service, Employees Association, CSEA**

# Axe falls on county workers

There's blood on the floor of the county offices.

Less than a week after Christmas nearly 300 county workers were given pink slips last week and another 137 others were demoted. The workers are frightened and angry but their union bosses cannot say they didn't see this coming.

It could get worse. If the Civil Service Employees Association can't reach an agreement with the legislature, Nassau County Executive Ed Mangano has warned that another round of layoffs could take place in February.

The union leaders say Mangano could have balanced the budget with a small tax hike as low as 25 cents a day. But the county needs to close a budget gap of more than \$300 million and Mangano insists that he won't raise taxes.

It was painful to see the budget axe fall. Employees, some with more than 15 years on the job, were escorted out of their offices when they arrived for work on Thursday morning. According to union officials most of the targeted civil service workers were from the county departments of social services, probation and public works.

The work that they do is important. They keep our streets in good repair, make certain that the poorest in the county have access to medical care and food stamps and monitor people given a second chance by the courts. No one should pretend that their services are not needed. And, except for some overtime excess, these workers were not overpaid.

Nearly a dozen county workers had accepted an early retirement package. They will get \$1,000 for every year of service with the county. This was not nearly enough to balance the budget. The union officials expect that more workers will accept this offer. It's not clear if that is still an option for the laid-off workers.

The labor leaders said it was a "dark day" an indeed it was.

"This is supposed to be one of the greatest counties in the country," said Jerry Laricchiuta, president of the county's largest union, told reporters in his Mineola office. He called Nassau County "the embarrassment of New York State."

Unlike the people he represents, Laricchiuta will still have a job on Monday morning. If this is an embarrassment then Laricchiuta and other union leaders share in the blame. They should have worked with county on givebacks that would have averted the need for layoffs. In tough times that is far better than being out of work.

Mangano wasn't posturing. The county must produce a balanced budget. And raising taxes should not be an option. Nassau County already has the highest taxes in the nation. The county has to learn to live within its means.

There is still time for the union leaders to come back to the bargaining table. The rank and file should urge them to do so immediately.





## Eastchester slides under tax cap, projects 14 layoffs

By PAIGE RENTZ  
 STAFF REPORTER  
 paige@hometwn.com

The Eastchester Town Board approved Dec. 20 a \$34.13 million 2012 town budget that stays within the new property tax cap but cuts 4 jobs and projects 10 more layoffs in 2012.

Town Supervisor Anthony Colavita (R) announced at last month's meeting that the town was able to restore three positions – one each in the parks, highway, and police departments – through a combination of savings in the Highway Department and from two town employees who agreed to take an incentive to retire by February. The town agreed to pay all health insurance premiums for up to 36 months for employees who agreed to retire by that time.

Officials had hoped that a proposed agreement with the CSEA could save more jobs, but a deal was overwhelmingly rejected in December by union membership in a 78-11 vote.

Bill Haas, president of the local CSEA, said he believed the biggest reason the proposal was rejected was because of a provision that would have all employees pay something into their healthcare. He speculated that the 'yes' votes were likely cast by those whose jobs were on the chopping block.

Colavita said the proposal would have saved approximately \$340,000.

As it stands, the budget cuts one part-time and three full-time positions across town departments, including two civilian positions in the police department. Two other positions will see a reduction in hours. In addition, 10 golf maintenance employees at Lake Isle are expected to lose their jobs later this year after the town privatizes that

**BUDGET continued on page 13**

function at the club.

"The employees who are facing layoffs must have such a sense of loss and anger," said Councilman Glenn Bellitto (R). But on the flip side, he said, "hearing fourth and fifth generation Eastchester residents saying they will probably have to leave is gut-wrenching. So what do we do? We must make cuts while maintaining the town's quality of life." The councilman said that though the Town Board would have preferred to work with the CSEA to save jobs, the positions cut in the coming budget will save the town a considerable amount of money without diminishing services.

This year's layoffs will bring the total number of positions cut over the last eight years to 46. The town also came to an agreement over parking meter hours, extending the active time from 6 p.m. to 7 p.m., rather than the previously proposed 9 p.m. Several residents spoke out against what they considered an unfair tax on homeowners who utilize the metered spaces at night, but the council members expressed that the move was a good compromise. The supervisor said he expects the change will provide the town with about \$50,000 in revenue. He and several council members indicated that the town may continue to examine the parking situation and revisit the issue throughout the year.

The budget carries a 4.6 percent tax rate increase for residents of the town outside, which equates to an additional \$106.77 per year for an average home assessed at \$10,000. For village residents, the budget carries a 2.36 percent tax rate increase, which means a \$16.64 bump in a Bronxville resident's tax bill for an average home assessed at \$22,000 and an additional \$6.05 for an average Tuckahoe home assessed at \$8,000.

Some of the cost drivers in this budget cycle were a \$3 million pension bill and a 2 percent reduction in assessed valuation in the town – more than \$5 million over the past two years. Councilman Fred Salanitro (R) pointed out the town's authorization of an \$84,000 tax certiorari just before the budget vote, which will affect next year's assessment rolls. "Before we even opened up the budget, we were looking at an increase," he said.

The board members took aim at Albany for the fiscal crisis local governments have found themselves in.

"The only way that we can control the pen-



sion costs is to reduce our staff," said Salanitra. "We cannot continue paying \$3 million-plus dollars into the pension."

"With the last [state] comptroller sitting in jail because of mismanagement, because the market took a tank five years ago, the taxpayers are paying for those mistakes," Salanitra added. The councilman said the without changes to the pension system, local governments like Eastchester will eventually fall into bankruptcy. "We would have to eliminate all services to basically get out from under this weight the state has put on our shoulders," he said.

Colavita called the size of the town's pension payment "ridiculous" and accused state lawmakers of passing the buck down to local municipalities. "They need to take accountability for what is going on here," he said. "They're up in Albany, and they're not dealing with this here; They're not in front of you telling people you can't work here anymore, and you've got

to feed your kids and pay tuition...We're doing that for them, and quite frankly, it's not very pleasant."

Salanitra told the audience that the town's budget work isn't over. "The 2013 budget starts January 2012," he said. Continuing from the work the town has put into this budget cycle, he added, "we have to try to implement some of those ideas, try to make those changes so that when 2013 comes, we're going to be able to, again, hopefully stay under the 2 percent cap and keep the increase as low as possible."

In April, the town will likely pass a capital budget to purchase heavy equipment and fund special projects and paving for roads and sidewalks. Colavita said over the last couple of years, officials have tried to keep the capital plan within about \$1 million. He expects it to be comparable for the 2012 cycle.

-With reporting by CHARLIE JOHNSON

# Fired, then hired

■ **Nassau finds funds**  
to reverse some layoffs

■ **Social Services was**  
hardest-hit department

BY ROBERT BRODSKY  
[robert.brodsky@newsday.com](mailto:robert.brodsky@newsday.com)

Nassau County officials said yesterday they have found new grant money to rehire roughly 40 Department of Social Services employees who were laid off last week.

That department lost 106 employees in the Dec. 29 cuts, more than any other. Several laid-off employees complained that Nassau would gain only minimal savings because a significant portion of their salaries were subsidized by state and federal funds.

The county will tap grant funds it has recently identified to rehire about 40 workers, said Deputy County Executive Rob Walker. County operating funds will not be used for the rehires, which will occur within a few weeks, he said.

"We have done our due diligence and found new funding to bring back some workers," Walker said.

Civil Service Employees Association president Jerry Laricchiuta said, "Cuts at DSS were just too deep. DSS is ready to implode on itself." Walker said the county is "comfortable" with the cuts and that

the department has sufficient resources and manpower.

Also yesterday, the county offered new details on the composition of last week's layoffs.

Of 264 total layoffs, 243 were CSEA members and 21 were appointive, non-union employees, including senior departmental officials in information technology and housing, Walker said. The departing ordinance employees were either laid off or quit in advance of their termination, he said.

Laricchiuta said the higher-paid employees should have borne more of the brunt of the layoffs. "So far, I have not seen any shared pain," he said. "It's just CSEA pain. And, you can't balance this entire mess on one union's back."

Walker said the administration has "shared the burden," cutting patronage jobs by 30 percent for savings of more than \$15 million.

Walker also said yesterday that no decision has been made yet on whether to extend a voluntary retirement program that provided CSEA members with \$1,000 for every year of service with Nassau. The program ended Dec. 29 but employees had until

yesterday to rescind their retirement papers.

A total of 114 employees accepted the incentive, saving Nassau \$7.3 million in labor costs and preserving roughly 150 jobs that otherwise would have been lost in a second round of layoffs, Walker said.

The legislature appropriated \$20 million in borrowed funds for the incentive and termination pay. The layoffs and retirements cost the county about \$30 million, although some of the money will be spent in 2013 and 2014. Departing workers had the option to be paid out over three years.

Meanwhile, even as some workers were being brought back, seven Traffic and Parking Violations Agency employees were laid off yesterday and three other workers were demoted, the union said. CSEA is contesting the moves.

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Look for the latest  
on the Nassau  
budget woes.  
[newsday.com/nassau](http://newsday.com/nassau)

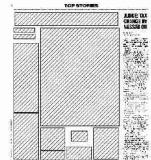




PHOTO BY HOWARD SCHNAPP

Lauren Quigley, left, is escorted by her supervisor as she leaves after layoff last week.



***Hempstead Town “Angels” Collect for Toy Drive***

Hempstead Town Supervisor Kate Murray (third left) presents Salvation Army Major Philip Wittenberg (third right) with a room full of toys collected by Town of Hempstead employees for the Salvation Army’s 2011 Angel Tree Toy Drive. For more than 20 years, the Town of Hempstead and its Civil Service Employees Association has helped the Salvation Army provide a happy holiday season for thousands of area-disadvantaged children. The Salvation Army distributes the beautiful, new unwrapped holiday toys to parents the week before Christmas. Pictured (left to right) are Hempstead Town Highway Commissioner Thomas Toscano, Highway Department employee Sharon Sweeny, Supervisor Murray, Major Wittenberg, **CSEA** Local 880 President Charles Sellitto and CSEA Treasurer Bob Murphy.



# Med Center to lay off another 150

## Pa. company to take over patient care at BHC

By **Theresa Juva-Brown**  
tjuva@lohud.com

**VALHALLA** — It's a new year and a new round of layoffs at Westchester Medical Center.

Just weeks after slashing 250 positions across the hospital, the embattled medical center announced Thursday that up to more than half the staff at the Behavioral Health Center could lose their jobs as an outside company takes over direct patient care and treatment.

The medical center is laying off about 150 Civil Service Employee Association workers, including recreation therapists, mental health aides and social workers.

The BHC currently has a staff of 280. Nurses and physicians will not be affected by the change, officials said.

"At what point does it stop?" said Jessica Ladlee, spokeswoman for **CSEA**, which has 1,500 members at the

**See LAYOFFS, Page 4A**

medical center. "It's a bloodbath. It's really shameful."

Medical center administrators project to save \$4 million a year by partnering with Liberty Healthcare, a Pennsylvania-based health-care delivery company. The medical center will pay Liberty \$8.8 million a year under the three-year agreement.

Liberty plans to employ 125 to 135 people and overhaul the treatment model at the BHC, said Marsha Casey, executive vice president of operations at the medical cen-

ter. The new model will have a greater focus on individualized therapy programs, she said. She also noted that the current center is "probably a bit overstaffed" and the new model will adjust staff levels based on need.

The transition to the new model will take eight weeks.

Laid-off BHC workers can apply for the new jobs, but Liberty is in charge of hiring, medical center officials said.

The Liberty contract is the latest cut in a series of shakeups to close a projected \$60 million budget gap.

Last month, the medical center eliminated 250 jobs to save \$30 million. Officials have said soaring state pension costs, plummeting Medicaid and Medicare reimbursements, and eliminated county support has led to the gap.

"We cannot spend more money than we take in," said medical center CEO Michael Israel. "If there's an assertion that all these things are occurring just at the medical center, that's not reality."

The BHC change, he said, will "provide a better service and deliver more service in a more cost-effective way."

Union officials said they believe it will lead to more job outsourcing. Peter Piazza, president of CSEA at the medical center, said he's concerned the BHC transition could be disruptive and dangerous.

"The psych aides are 6 foot 6. They are like linebackers, and these guys protect the (registered nurses)," he said. "The

RNs are going to be scared during this transition."

Although BHC nurses aren't facing job cuts, they may have to take on more work during the change, said Samuel Caquias, president of the local bargaining unit for the New York State Nurses Association.

In a statement, Liberty Healthcare said it's "very eager" to work with the medical center and "bring new talent and a fresh perspective to the direct care and therapeutic services at the hospital."



# NEIGHBORS IN THE NEWS



Courtesy Town of Hempstead

**MAJOR PHILIP WITTENBERG**, 4th from left, accepted new toys on behalf of the Salvation Army from Highway Commissioner Thomas Toscano, left, Highway Department employee Sharon Sweeny, Supervisor Kate Murray, CSEA President Charles Sellitto and CSEA Treasurer Bob Murphy.

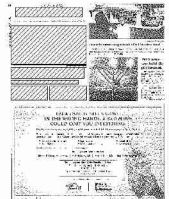
## Town of Hempstead hosts successful toy drive

Town of Hempstead employees collected toys for the Salvation Army's 2011 Angel Tree Toy Drive and Town Supervisor Kate Murray presented the donations to Salvation Army Major Philip Wittenberg on Dec. 14.

The Town of Hempstead and its Civil Ser-

vice Employees Association has helped the Salvation Army provide a happy holiday season for thousands of disadvantaged children in the area for more than 20 years.

The Salvation Army distributed the new toys to parents the week before Christmas.



## Miller: City workers may face layoffs

BY JAKE PALMATEER

STAFF WRITER

ONEONTA — Mayor Dick Miller had a stark message in his State of the City address delivered Tuesday night: layoffs of city workers are possible as Oneonta deals with continued financial strains.

Those fiscal strains are driven largely by personnel-related expenses, with more than 70 percent of the city's budget paying for wages or benefits, the mayor said from a small podium in front of the city flag.

But cuts to the city's work force would mean cuts to the services provided by the city, he said.

"Our situation is a difficult one. I can't imagine how we could operate with the current levels of service with fewer employees," Miller said.

The warning on layoffs was part of a wide-ranging speech as the mayor starts his third year at City Hall at the head of a Common Council that includes five new members.

Civil Service Employees Association Unit 8101 President Tom Pondolfino was one of two dozen audience members on hand for the mayor's speech.

Pondolfino said he isn't too worried about layoffs in 2012.

One of the main reasons is that the city's **CSEA** work force has been pared back through attrition to the point where it can't be cut anymore without reducing services, according to Pondolfino.

Pondolfino noted the city police and fire departments, which have their own unions, have very visible presences in the community. But CSEA workers maintain the city's water and sewer systems, as well as work in other ways for the community.

"You have to have your roads," he said.

But Pondolfino said cutting workers — and therefore services — may be an eventuality

in coming years.

"It's going to be somebody's headache," Pondolfino said.

Fire Chief Patrick Pidgeon, who has lobbied vigorously for additional firefighters to help with his department's staffing woes, said he will continue those efforts, but acknowledged it will be a tough fight.

### TOUGH DECISIONS AHEAD

The Common Council will face tough decisions and will have to reduce services through layoffs or find other ways to generate revenue, Miller said.

Those include seeking financial help from the city's non-profit organizations or merging with the town and sales tax preemption. Other ideas mentioned by the mayor include a commuter tax, similar to the New York

SEE MAYOR ON PAGE 2

City income tax for non-city residents, a sales tax increase or a renegotiation of the city's share of the county's sales tax revenue.

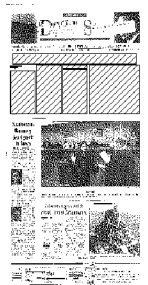
"None of these ideas are popular ideas," Miller said.

Four of the new council members were present for the mayor's speech, delivered at City Hall. They include David Rissberger of the Third Ward, Mike Naples of the Sixth Ward, Bob Brzozowski of the Seventh Ward and Chip Holmes of the Eighth Ward.

First Ward Council Member Maureen Hennessy, Fourth Ward Council Member Mike Lynch and Fifth Ward Council Member Madolyn Palmer are returning to the city's governing body.

Newly-elected Second Ward Council Member Larry Malone was absent.

Miller reflected on 2011 and outlined a list of successes: A strengthened code enforcement office; the adoption of a new City Charter, which calls for the hiring of a city manager, by voters; a revamped zoning code; a reorganized Department of Public Works; continued work on





the former Bresee's project; and a re-energized Oneonta Police Department following a police brutality case.

The challenges faced by the city are largely fiscal in nature and involve the city using its reserves to pay off operating expenses, according to the mayor.

It's a problem that will "simply not go away," Miller said. "We have pushed out the day of reckoning."

But, the mayor said, the city's deficit situation is better than it was three years ago when it was first calculated in a five-year fiscal plan.



**Lynch**

However, the budget deficit for 2011 was originally projected at \$460,000, but is now \$700,000. The mayor said this was because of a renovation project on the municipal parking garage and the initial funding of the Johnson Controls energy efficiency project.

The \$3.8 Johnson Control plan pays for itself entirely over a 15-year period and generates positive cash flow in every year of the project and \$1 million in total, according to the mayor.

Miller outlined how he hopes joint efforts with community groups, organizations and businesses will benefit the city in 2012, naming a

housing summit scheduled for next month, a soon-to-be launched community-wide effort to meet future recreation needs and a revitalized Main Street Oneonta organization working with Foothills Performing Arts and Civic Center and the Oneonta Theatre.

Palmer said she was enthusiastic about 2012 — a year in which the city is implementing its new charter.

"We are a new council, and we are going to be working under a new charter," Palmer said. "I think it's great."

She thanked several members of the Charter Revision Commission in the audience.

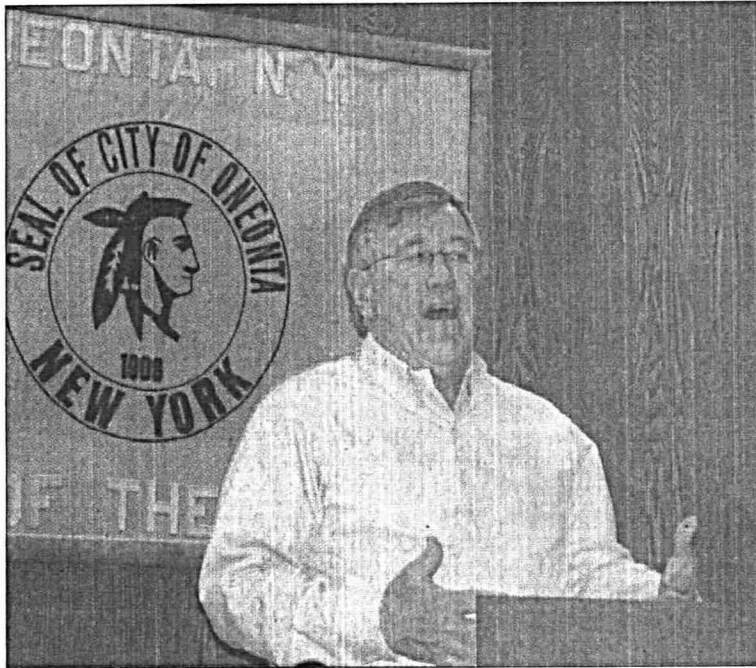
The cornerstone of the charter is the city manager position.

"I hope somebody can be in place in early fall," Miller said.

The incoming Common Council skirted the open meetings law, which requires that meetings with a quorum of members be announced and open to the public. Miller said the incoming members met in a retreat Dec. 10 to discuss the upcoming year before they were sworn in as public officials.

"We were able to sneak the one in December in," Miller said.

The next retreat would now be considered a formal meeting of the Common Council, according to the mayor.



JAKE PALMATEER | THE DAILY STAR

**ONEONTA MAYOR DICK MILLER** gives his State of the City address at the Common Council meeting Tuesday at City Hall.



## Unions Sue Over Rise in Health Costs For Pensioners

A coalition of CSEA, PEF, UUP, NYSCOPBA, NY-STPBA, NYSPIA, and AF-SCME Council 82, unions representing virtually all of New York State employees have filed lawsuits in federal court challenging the Cuomo Administration's increase in the percentage of health insurance contributions required of state retirees. The legal challenge applies to changes made by the administration this fall and covers state employees who have retired and seen their share of health insurance premium increase beyond the level at which they retired.

Retirees have long contributed 10 percent of individual

coverage and 25 percent of family coverage for their health insurance coverage in retirement based on the percentages included in the state contracts when they retired. The changes imposed by the Cuomo Administration increase the percentage of contribution 2 percent for both individual and family coverage. The unions said the changes will have "severe and unexpected" consequences on retired employees. The coalition of unions asserts that it is illegal for the state to increase those rates for already retired members. The unions did not negotiate such increases.

